Agenda of Regular Meeting

The Board of Trustees
Abilene Independent School District

A Regular Meeting of the Board of Trustees of Abilene Independent School District will be held Monday, September 8, 2025, beginning at 5:00 PM in the Boardroom, One AISD Center 241 Pine Street, Abilene, Texas 79601.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice. Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

I. Call to Order
II. Closed Session: A Closed Session may be held under the provisions of Texas Government Code, Chapter 551 including but not limited to Section 551.071, Section 551.072, Section 551.074, Section 551.076, and Section 551.082, and Section 551.0821.
    A. The Board may deliberate matters of Personnel, i.e. appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee. (Section 551.074)
        I. Professional Employment Contracts
    B. The Board may consult with Legal Counsel regarding Pending or Contemplated Litigation and/ or Privileged Legal Advice. (Section 551.071)
    C. The Board may discuss matters of Safety and Security. (Section 551.076)
        I. Appointment of New School Marshals
        II. Discuss Good Cause Exception
    D. The Board may discuss matters pertaining to Students necessarily involving personally identifiable information, e.g. Student Discipline. (Sections 551.082, 551.0821)
    E. The Board may discuss the Value, Exchange and/or Disposition of Real Property. (Section 551.072)
        I. Fannin Elementary, located at 2726 N. 18th St., Abilene, TX 79603
III. Reconvene from Closed Session (Approximately 6:30 p.m.)
    A. Invocation
    B. Pledge of Allegiance to the Flags of the United States of America and the State of Texas
    C. Board/Superintendent Announcements
IV. Recognitions
    A. TEA Educator Review Committee Representatives
V. Oral Communications from the Public
VI. Consent Agenda

A. The Board will consider accepting the July Financials.
B. The Board will consider approval of the Minutes of the August 7, 2025, Workshop Meeting; August 11, 2025, Regular Meeting; and the August 14, 2025, Special Budget and Tax Rate Meeting.
C. The Board will consider ratifying the employment of the new Director of Accounting.
D. The Board will consider approval of the Appointment of Members of the Local School Health Advisory Council.
E. The Board will consider approval of Texas A&M AgriLife Extension Service Resolution and Adjunct Agreement.
    I. Callahan County
    II. Taylor County
F. The Board will consider approval of update to Policy DC (LOCAL) - Employment Practices.
G. The Board will consider approval to reauthorize the Superintendent's Hiring Authority for Contractual Personnel (Policy DC LOCAL - Employment Practices).
H. The Board will consider approval of the 2025-2026 Professional Development Plan.
I. The Board will consider approval of TASB Policy Update 125.
J. The Board will consider a 2025-2026 Staff Development Waiver.

VII. Reports
A. Academic Performance Report
B. Gifted and Talented Program Update
C. TCASE SPED Program Audit Summary
D. Efficiency Audit

VIII. Business Items Requiring Board Action
A. The Board will consider delegating authority to the Superintendent and his designee to negotiate, finalize, and execute a contract for the replacement of a sewer line at Alcorta Elementary School in an amount not to exceed the statutory competitive procurement threshold.
Dr. Joseph Waldron, Deputy Superintendent
B. The Board will consider approval of revised Policy CV (LOCAL).
Dr. Joseph Waldron, Deputy Superintendent

IX. The Board may take action relevant to Items Covered During Closed Session.
A. The Board will consider approval of Personnel Recommendations, if any.
    I. Professional Employment Contracts
B. Matters pertaining to Real Property, if any
    I. The Board will discuss and possibly take action regarding the rejection of all bids for the sale of Fannin Elementary.
    II. The Board will discuss and possibly take action regarding the donation of Fannin Elementary, located at 2726 N. 18th St., Abilene, TX 79603.
C. Matters pertaining to Safety and Security, if any
    I. The Board will consider the Appointment of New School Marshals.
    II. The Board will consider renewal of Good Cause Exception.
D. Matters pertaining to Litigation, if any

E. Matters pertaining to Students, if any

X. Adjournment

Abilene Independent School District Board Document - Agenda Item II.C.I

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Closed Session Future Action Required: No If Yes, Month: N/A

Subject: Appointment of School Marshals

Background Information**:** Abilene ISD participates in the school marshal program. According to Board Policy CKE (LOCAL) the Board of Trustees shall be approved by action of the Board.

A list of current Marshals is attached along with a list of those Marshals we have lost to resignation and those up for appointment for your consideration.

Attached Supporting Documents: (2) SRO/Marshal Assignments, List of resignations and appointments

Fiscal Implications: Marshal stipends are included in the compensation plan

Administrative Recommendation: Approve as Presented.

Contact Person: Dr. Joseph Waldron

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Abilene Independent School District Board Document - Agenda Item II.C.II

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Closed Session Future Action Required: No If Yes, Month: N/A

Subject: Good Cause Exception

Background Information**:** Abilene ISD participates in the school marshal program. According to Board Policy CKE (LEGAL) annually the Board of Trustees shall authorize the good cause exception based on the language in policy below:

"If the board is unable to comply with this requirement, the board may claim a good cause exception if the district's noncompliance is due to the availability of funding or personnel who qualify to serve as a security officer."

"A board that claims a good cause exception must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

1. A school marshal; or
2. A school district employee or a person with whom the district contracts who:
    a. Has completed school safety training provided by a qualified handgun instructor certified in school safety under Government Code 411.1901; and
    b. Carries a handgun on school premises in accordance with written regulations or written authorization of the district under Penal Code 46.03(a)(1)(A).

The board must develop and maintain documentation of the district's implementation of and compliance with this requirement, including documentation related to a good cause exception and shall, if requested by the Texas Education Agency (TEA), provide that documentation in the manner prescribed by TEA."

The board has authorized this exception in the past, while in closed session, however a clear record of this exception must now be maintained annually according to guidance we have received through the Texas School Safety Center and TEA. This authorization will be a compliance item during the district's Vulnerability Assessment in October of this year.

Attached Supporting Documents: (1) CKE (LEGAL)

Fiscal Implications: None

Administrative Recommendation: Consider authorization of the "Good Cause Exception" for the Abilene Independent School District in alignment with Board Policy CKE (LEGAL) and authorize the Superintendent to develop and maintain all applicable provisions of this exception.

Contact Person: Dr. Joseph Waldron

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Armed Security Officer Required

The board shall determine the appropriate number of armed security officers for each district campus. The board must ensure that at least one armed security officer is present during regular school hours at each district campus.

For this purpose, a security officer must be:

1. A school district peace officer;
2. A school resource officer; or
3. A commissioned peace officer employed as security personnel under Education Code 37.081.

Good Cause Exception

If the board is unable to comply with this requirement, the board may claim a good cause exception if the district's noncompliance is due to the availability of funding or personnel who qualify to serve as a security officer.

Alternative Standard

A board that claims a good cause exception must develop an alternative standard with which the district is able to comply, which may include providing a person to act as a security officer who is:

1. A school marshal; or
2. A school district employee or a person with whom the district contracts who:
    a. Has completed school safety training provided by a qualified handgun instructor certified in school safety under Government Code 411.1901; and
    b. Carries a handgun on school premises in accordance with written regulations or written authorization of the district under Penal Code 46.03(a)(1)(A).

Documentation

The board must develop and maintain documentation of the district's implementation of and compliance with this requirement, including documentation related to a good cause exception and shall, if requested by the Texas Education Agency (TEA), provide that documentation in the manner prescribed by TEA.

Education Code 37.0814

School District Peace Officers, School Resource Officers, and Security Personnel

To carry out Education Code Chapter 37, Subchapter C (Law and Order), the board may:

1. Employ or contract with security personnel, including contracting with a licensed security services contractor for the provision of a commissioned security officer who has completed the Level II or III training course required by the Department of Public Safety;

2. Enter into a memorandum of understanding with a local law enforcement agency or a county or municipality that is the employing political subdivision of commissioned peace officers for the provision of school resource officers; and

3. Commission peace officers.

Jurisdiction

The jurisdiction of a peace officer, a school resource officer, or security personnel shall be determined by the board and may include all territory in the boundaries of the district and all property outside the boundaries of the district that is owned, leased, or rented by or otherwise under the control of the district and the board that employ or contract with, as applicable, the peace officer or security personnel or that enter into a memorandum of understanding for the provision of a school resource officer.

Education Code 37.081(a), (a-1)

Duties

The board shall determine the law enforcement duties of peace officers, school resource officers, and security personnel. The duties must be included in:

1. The district improvement plan under Education Code 11.252 [see BQ];

2. The student code of conduct adopted under Education Code 37.001 [see FO];

3. Any memorandum of understanding providing for a school resource officer; and

4. Any other campus or district document describing the role of peace officers, school resource officers, or security personnel in the district.

A district peace officer, a school resource officer, and security personnel shall perform law enforcement duties for the school district that must include protecting the safety and welfare of any person in the jurisdiction of the peace officer, resource officer, or security personnel; and the property of the school district.

In determining the law enforcement duties, the board shall coordinate with district campus behavior coordinators and other district employees to ensure that district peace officers, school resource officers, and security personnel are tasked only with duties related to law enforcement intervention and not tasked with behavioral or administrative duties better addressed by other district employees.

Education Code 37.081(d), (d-1), (d-4)

Prohibited Duties

A district may not assign or require as duties of a district peace officer, a school resource officer, or security personnel:

1. Routine student discipline or school administrative tasks; or
2. Contact with students unrelated to the law enforcement duties of the peace officer, resource officer, or security personnel.

This provision does not prohibit a district peace officer, a school resource officer, or security personnel from informal contact with a student unrelated to:

1. The assigned duties of the officer or security personnel; or
2. An incident involving student behavior or law enforcement.

Education Code 37.081(d-2), (d-3)

Refusal or Removal from District Property

A school resource officer or district peace officer may refuse to allow a person to enter on or may eject a person from property under the district's control in accordance with Education Code 37.105. *Education Code 37.105(a); 19 TAC 103.1207* [See GKA]

Active Shooter Response Training

A district peace officer or school resource officer shall complete an active shooter response training program approved by the Texas Commission on Law Enforcement (TCOLE) at least once in each four-year period.

A district that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Occupations Code 1701.263.

A district may not contract for the provision of active shooter response training unless the training provider is certified under Occupations Code 1701.2515 to provide the training.

Education Code 37.0812

School-Based Law Enforcement Proficiency

School district peace officers or school resource officers providing law enforcement services at a district must obtain a school-based law enforcement proficiency certificate within 180 days of the officer's commission or placement in the district or campus of the district. *37 TAC 218.3(d)(5); Occupations Code 1701.263(b)*

Officer Providing Volunteer Security Services

A peace officer providing volunteer security services on premises where an event sponsored or sanctioned by a public primary or secondary school is taking place may:

1. With the consent of the head of the employing or appointing law enforcement agency, wear the uniform of the agency; or

2. Wear another uniform or badge that gives the person the appearance of being a peace officer.

Occupations Code 1702.333(d)

Immunity from Liability

"Retired peace officer" has the meaning assigned by Occupations Code 1701.3161.

"Security personnel" includes:

1. A school district peace officer;
2. A school marshal;
3. A school resource officer; and
4. A retired peace officer who has been hired by a district to provide security services or volunteers to provide security services to the district.

A district is immune from liability for any damages resulting from any reasonable action taken by security personnel to maintain the safety of the campus, including action relating to possession or use of a firearm.

A district is immune from liability as provided above for any damages resulting from any reasonable action taken by a district employee who has written permission from the board to carry a firearm on campus.

Any security personnel employed by a district is immune from liability for any damages resulting from any reasonable action taken by the security personnel to maintain the safety of the campus, including action relating to possession or use of a firearm.

The statutory immunity provided by these provisions is in addition to and does not preempt the common law doctrine of official and governmental immunity. To the extent that another statute provides greater immunity to a district than these provisions, that statute prevails.

Education Code 37.087

Notice of Exposure to Communicable Disease

A district that employs emergency medical service employees, paramedics, firefighters, law enforcement officers or correctional officers must post the required notice regarding work-related exposure to communicable disease in its workplace to inform employees about Health and Safety Code requirements which may affect qualifying for workers' compensation benefits following a work-related exposure to a reportable communicable disease. *28 TAC 110.108*

Authorized Handguns

Under Education Code 11.151(b), a board may promulgate written regulations and authorization as provided by Penal Code 46.03(a)(1) (exception to places where weapons are prohibited). *Atty. Gen. Op. GA-1051 (2014)*

Role of Persons Carrying a Firearm

A person permitted to carry a firearm on the campus of a school district may not perform the routine law enforcement duties of a peace officer, including making arrests, unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, school district employee, or other individual at the district campus.

This prohibition does not apply to a commissioned peace officer who is assigned law enforcement duties that are included in campus and district documents describing the role of peace officers in the district as required by Education Code 37.081(d) [see Duties, above].

Education Code 37.089

Abilene Independent School District Board Document - Agenda Item II.E.I

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Closed Session Future Action Required: No If Yes, Month: N/A

Subject: Fannin Elementary Bid

Background Information**:** The bid for Fannin Elementary produced two responses. It is the recommendation from the Administration to reject all bids of Fannin Elementary and consider an alternate disposal of this property.

Attached Supporting Documents:

Fiscal Implications: None, Reduction in vacant properties owned by Abilene ISD.

Administrative Recommendation: Consider a motion to reject all bids for Fannin Elementary.

Contact Person: Dr. Joseph Waldron

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Abilene Independent School District Board Document - Agenda Item VI.A

Meeting Date: September 8, 2025 Meeting Type: Regular Meeting

Item Type: Consent Agenda Future Action Required: No If Yes, Month: N/A

Subject: Monthly Financials

Background Information**:** Attached are July 2025 financial reports. Included is additional information concerning tax collections, payroll information, employee counts, enrollment & average daily attendance.

Attached Supporting Documents: July 2025 Monthly Financial Packet

Fiscal Implications: None

Administrative Recommendation: None

Contact Person: Jennifer Hinds

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FY25



MONTHLY FINANCIALS

JULY 2025

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Summary of monthly donations received for the reporting month.

Memo

To: Dr. John Kuhn, Superintendent of Schools

CC: Dr. Joseph Waldron, Deputy Superintendent

From: Jennifer Hinds, Chief Financial Officer

Date: September 8, 2025

Re: July 2025 Financial Information

Attached are the financial reports for the General Fund for the month ended July 31, 2025, and additional supplemental information for your review.

Revenues

The cumulative percentages of local taxes received through July are 3.11% higher than last year's percentage collected. Since current taxes become delinquent (i.e., subject to penalties and interest) after January 31st, majority of taxes have been collected by the end of January. For the fiscal year 2025, 96.10% have been collected as of the end of July 2025.

Budgeted State Foundation revenue and Available School Fund revenue is also recognized equally each month for financial statement purposes rather than recognizing actual receipts which are received in varying amounts throughout the year. As each grading period attendance information is received, the state revenue budget is reviewed.

Expenditures

At the end of July, total expenditures are at 86.32% of the budget. After completion of the 11th month of the budget year, total percentage of expenditures is slightly lower than the budgeted 91.67%.

Payroll costs are within expectations with 86.18% of the total $128.2M budget expended.

The following functions continue to trend higher than budgeted this month. *Student Transportation (FC 34) and Intergovernmental Charges (FC 99)* are higher this month due to a 3rd quarter budget allocation payment made to the Taylor CAD. All previous functions that were trending higher have plateaued and are within budget.

Juvenile Justice program (FC 95) expenditures remain at 157.30% of budget. Due to the completion of school, there were no expenditures added in July.

If you have any questions, please contact me.

Abilene Independent School District
Revenues and Expenditures - Budget vs. Actual
General Fund
Period Ending July 2025

	Amended Budget	Year To Date	Difference	%
REVENUES				
5700s - Local	$ 44,465,194	$ 42,231,796	$ (2,233,398)	94.98%
5800s - State	95,152,527	86,243,490	(8,909,038)	90.64%
5900s - Federal	2,391,000	2,515,726	124,726	105.22%
Total Revenues	$ 142,008,721	$ 130,991,012	$ (11,017,709)	92.24%
EXPENDITURES				
11 - Instruction	$ 82,183,234	$ 70,400,017	$ 11,783,217	85.66%
12 - Instructional Resources and Media Services	2,054,195	1,754,670	299,525	85.42%
13 - Curriculum and Instructional Staff Development	2,441,224	1,848,603	592,621	75.72%
21 - Instructional Leadership	3,152,738	2,531,400	621,338	80.29%
23 - School Leadership	9,637,952	8,218,753	1,419,199	85.27%
31 - Guidance, Counseling and Evaluation Services	7,251,945	5,976,917	1,275,028	82.42%
32 - Social Work Services	1,975,305	1,626,559	348,746	82.34%
33 - Health Services	2,048,228	1,913,429	134,799	93.42%
34 - Student Transportation	5,461,683	6,070,185	(608,502)	111.14%
36 - Extracurricular Activities	5,370,651	4,967,497	403,154	92.49%
41 - General Administration	6,165,980	4,899,581	1,266,399	79.46%
51 - Facilities Maintenance and Operations	17,312,669	15,148,062	2,164,607	87.50%
52 - Security and Monitoring Services	1,469,344	1,254,172	215,172	85.36%
53 - Data Processing Services	6,180,368	5,520,072	660,296	89.32%
61 - Community Services	698,030	633,478	64,552	90.75%
71 - Debt Service	2,622,326	1,542,012	1,080,314	58.80%
81 - Facilities Acquisition and Construction	-	133,079	(133,079)	#DIV/0!
95 - Juvenile Justice Program	175,000	275,270	(100,270)	157.30%
99 - Intergovernmental Charges	700,000	722,204	(22,204)	103.17%
Total Expenditures	$ 156,900,872	$ 135,435,961	$ 21,464,911	86.32%
OTHER				
7900s - Sources	-	-	-	N/A
8900s - Uses	-	-	-	N/A
EXCESS REVENUES AND OTHER RESOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	$ (14,892,151)	$ (4,444,949)	$ (19,337,100)	
EXPENDITURES BY OBJECT CODE:				
6100s - Payroll	$ 128,219,810	$ 110,497,522	$ 17,722,288	86.18%
6200s - Purchased and Contracted Services	12,949,891	11,303,721	1,646,171	87.29%
6300s - Supplies and Materials	6,387,728	5,961,206	426,522	93.32%
6400s - Miscellaneous Expenditures	5,090,653	4,846,159	244,494	95.20%
6500s - Debt Service	2,622,326	1,542,012	1,080,314	58.80%
6600s - Capital Outlay	1,630,463	1,285,342	345,121	78.83%
Total Expenditures	$ 156,900,872	$ 135,435,961	$ 21,464,911	86.32%

Abilene Independent School District
Revenues and Expenditures - Comparison
General Fund
Periods Ended July 2025 and 2024

	Year to Date				Increase/	
	2024	Encumbr.	Actuals	2025	(Decrease)	%
REVENUES						
Local	$ 44,329,401	$ -	$ 42,231,796	$ 42,231,796	$ (2,097,605)	-4.73%
State	87,276,387	-	86,243,490	86,243,490	(1,032,897)	-1.18%
Federal	2,724,752	-	2,515,726	2,515,726	(209,026)	-7.67%
Total Revenues	134,330,540	-	130,991,012	130,991,012	(3,339,528)	-2.49%
EXPENDITURES						
Instruction	$ 65,879,509	$ 218,878	$ 70,400,017	$ 70,618,895	$ 4,739,386	7.19%
Instructional Resources and Media Services	1,717,025	19,021	1,754,670	1,773,691	56,666	3.30%
Curriculum and Instructional Staff Development	1,396,988	11,283	1,848,603	1,859,886	462,898	33.14%
Instructional Leadership	2,704,127	23,753	2,531,400	2,555,153	(148,974)	-5.51%
School Leadership	7,954,188	10,642	8,218,753	8,229,395	275,207	3.46%
Guidance, Counseling and Evaluation Services	5,277,679	4,694	5,976,917	5,981,611	703,932	13.34%
Social Work Services	639,515	840	1,626,559	1,627,399	987,884	154.47%
Health Services	1,204,727	13,596	1,913,429	1,927,025	722,298	59.96%
Student Transportation	5,900,300	391,458	6,070,185	6,461,643	561,343	9.51%
Extracurricular Activities	5,203,287	94,803	4,967,497	5,062,300	(140,987)	-2.71%
General Administration	5,768,872	212,297	4,899,581	5,111,878	(656,994)	-11.39%
Facilities Maintenance and Operations	15,251,767	296,012	15,148,062	15,444,074	192,307	1.26%
Security and Monitoring Services	1,322,242	65,203	1,254,172	1,319,375	(2,867)	-0.22%
Data Processing Services	6,015,697	205,149	5,520,072	5,725,221	(290,476)	-4.83%
Community Services	612,976	39,640	633,478	673,118	60,142	9.81%
Debt Services	1,389,000	2,375	1,542,012	1,544,387	155,387	11.19%
Facilities Acquisition and Construction	1,576,752	15,416	133,079	148,495	(1,428,257)	-90.58%
Juvenile Justice Program	177,045	-	275,270	275,270	98,225	55.48%
Intergovernmental Charges	723,619	-	722,204	722,204	(1,415)	-0.20%
Total Expenditures	130,715,315	1,625,059	135,435,961	137,061,020	6,345,705	4.85%
OTHER						
Sources	$ -	-	-	-	$ -	#DIV/0!
Uses	-	-	-	-	-	#DIV/0!
EXCESS REVENUES AND OTHER RESOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	3,615,225	(1,625,059)	(4,444,949)	(6,070,008)	(9,685,233)	
EXPENDITURES BY OBJECT CODE:						
Payroll	$ 102,001,549	$ 17,985	$ 110,497,519	$ 110,515,504	$ 8,513,955	8.35%
Purchased and Contracted Services	11,957,681	511,062	11,303,721	11,814,783	(142,898)	-1.20%
Supplies and Materials	7,156,761	577,082	5,961,206	6,538,288	(618,473)	-8.64%
Miscellaneous Expenditures	4,793,420	68,930	4,846,159	4,915,089	121,669	2.54%
Debt Service	1,389,000	2,375	1,542,012	1,544,387	155,387	11.19%
Capital Outlay	3,416,904	447,624	1,285,342	1,732,966	(1,683,938)	-49.28%
Total Expenditures	130,715,315	1,625,059	135,435,961	137,061,020	6,345,705	4.85%

Abilene Independent School District
Revenues and Expenditures
Governmental Fund Types
Period Ending July 2025

		Revenues/ Other Resources	Expenditures/ Other Uses	Revenues Over/(Under) Expenditures
General Fund:				
190	Shotwell Complex	$ 717,463	634,341	$ 83,122
191	FY22 Board Approved Capital Projects	-	133,079	(133,079)
197	Extracurricular (beyond District)	17,366	366,225	(348,859)
199	General Operating	130,256,183	135,927,375	(5,671,192)
	Total	$ 130,991,012	$ 137,061,020	$ (6,070,008)
Special Revenue Fund:				
205	Head Start	2,554,084	2,697,054	(142,970)
206	McKinney Vento Grant	81,465	87,068	(5,603)
211	ESEA Title I	5,004,566	5,507,742	(503,176)
224	IDEA-B Formula	4,155,562	4,396,462	(240,900)
225	IDEA-B Preschool	126,076	135,896	(9,820)
226	IDEA-B Discretionary Deaf	-	-	-
240	Food Service	9,909,478	9,820,241	89,237
242	Summer Feeding	162,421	174,445	(12,024)
244	Carl Perkins-Vocational Education	194,704	198,345	(3,641)
255	ESEA Title II, TPTR	276,329	274,823	1,506
263	Title III	56,194	59,033	(2,839)
279	TCLASS ESSER III	-	61,750	(61,750)
280	ARP II Homeless COVID Recovery	-	-	-
281	JROTC Department of Defense	-	-	-
282	ESSER III	-	-	-
284	IDEA-B Forumula ARP (ESSER)	-	-	-
285	IDEA-B Preschool, ARP	-	-	-
288	Early Head Start	2,758,613	2,854,936	(96,323)
289	Title IV, Part A - SSAEP	179,481	207,584	(28,103)
309	Adult Education-Federal	730,808	725,164	5,644
312	Temp. Assistance for Needy Families-Federal	27,667	26,817	850
379	ARP Homeless I_TEHCY Supplemental	35,757	35,757	-
410	Textbook	1,643,095	1,795,606	(152,511)
412	Childcare Services	96,014	160,878	(64,864)
429	State Funded Special Revenue Funds	573,840	602,216	(28,376)
431	Adult Education-State	75,418	74,113	1,305
435	Deaf Ed - State	77,908	78,638	(730)
461	Campus Activity Fund	347,432	283,584	63,848
480	Partners In Education	-	-	-
481	Holland Medical HS Community Donation	1,500	388	1,112
487	Dodge Jones	31,000	-	31,000
488	Dian Graves Owen	-	16,655	(16,655)
489	Abilene Education Foundation	249,800	221,547	28,253
492	Kids Learning Together	77,560	49,434	28,126
493	Homeless Supply Program	12,500	14,664	(2,164)
496	Regional Day School for the Deaf-Local	221,271	288,885	(67,614)
499	Other	15,286	7,574	7,712
	Total	$ 29,675,829	$ 30,857,299	$ (1,181,468)
Debt Service Fund:				
599	Debt Service	$ 21,226,989	$ 13,583,254	$ 7,643,735
Workers Comp Fund:				
770	Workers Comp	$ 747,101	$ 528,855	$ 218,246
Capital Projects Fund:				
620	Capital Projects-2019 Bonds	$ -	$ -	$ -

Abilene Independent School District
Employee Counts As of July 30, 2025

Org	Campus/Department	June 2025 Employee Counts General Fund	Other Funds	Total
High Schools:				
001	Abilene High School	161.250	22.200	183.450
002	Cooper High School	160.250	26.515	186.765
009	Holland Medical HS-HSU	6.000	-	6.000
010	ATEMS High School	45.000	9.300	54.300
011	The LIFT	2.000	-	2.000
Middle Schools:				
044	Madison Middle School	61.050	17.875	78.925
045	Mann Middle School	66.732	15.000	81.732
047	Clack Middle School	71.750	14.000	85.750
048	Craig Middle School	76.750	11.000	87.750
Elementary Schools:				
102	Austin Elementary	66.000	9.940	75.940
103	Bonham Elementary	52.940	14.730	67.670
104	Bowie Elementary	51.200	19.320	70.520
108	Dyess Elementary	53.000	13.340	66.340
112	Alcorta Elementary	41.200	8.330	49.530
113	Purcell Elementary	54.420	13.330	67.750
116	Stafford Elementary	49.028	14.330	63.358
121	Taylor Elementary	60.800	17.320	78.120
150	Ward Elementary	43.600	14.440	58.040
151	Thomas Elementary	13.700	3.680	17.380
152	Ortiz Elementary	4.300	4.680	8.980
153	Bassetti Elementary	60.330	15.330	75.660
155	Martinez Elementary	55.400	16.340	71.740
Other Campuses:				
003	Woodson Center for Excellence	35.000	5.000	40.000
004	Adult Education	3.000	7.000	10.000
006	DAEP	20.000	-	20.000
008	Juvenile Detention Ctr	2.000	-	2.000
107	Crockett Early Head Start	3.000	69.060	72.060
120	Hartford/SAP	4.300	-	4.300
131	Planetarium	0.500	-	0.500
156	Long Early Learning Center	69.500	86.440	155.940
Departments:				
701	Superintendent	3.000	-	3.000
720	Student Services	4.000	-	4.000
726	Deputy Supt/Operations	5.000	-	5.000
727	Finance	4.000	-	4.000
728	Human Resources	10.500	-	10.500
729	Accounting & Payroll Department	11.000	-	11.000
731	Purchasing Department	7.000	-	7.000
733	Textbook/Instructional Materials	0.500	-	0.500
734	Leadership	4.500	-	4.500
735	Innovation	1.000	-	1.000
740	AISD Districtwide	1.000	-	1.000
742	One AISD Center	2.000	-	2.000
800	Transportation	99.000	-	99.000
801	Curriculum & Instruction	11.000	2.600	13.600
804	Fine Arts	3.000	-	3.000
806	LRC Services	2.000	-	2.000
808	Technology Center	24.500	-	24.500
810	Employee Benefits	1.000	-	1.000
819	Social Workers	6.000	-	6.000
832	Director of CTE	3.000	-	3.000
852	Academic Supplort/Staff Development	1.000	-	1.000
862	Communications	5.000	-	5.000
863	Special Education	40.950	9.050	50.000
867	Bilingual Coordinator	4.000	-	4.000
872	Attendance Officers	3.000	-	3.000
873	Health Services	1.000	-	1.000
874	Athletics	4.000	-	4.000
876	Shotwell Concessions	-	1.000	1.000
880	Title I Office	-	6.000	6.000
893	AISD TV	1.000	-	1.000
908	Print Shop	3.000	-	3.000
925	PEIMS Department	5.000	-	5.000
938	Food Service	-	22.000	22.000
939	Catering (Food Service)	-	2.000	2.000
951	Maintenance	49.000	-	49.000
952	Warehouse	5.500	-	5.500
953	Custodial	5.000	-	5.000
954	Energy Management	1.000	-	1.000
	Total	**1,725.450**	**491.150**	**2,216.600**

*Employee Counts are based on assignment account FTE Percentage to enable us to determine which fund and campus the employee is assigned to.

Abilene Independent School District
Employee Counts By Month

Month	Fiscal Year 2024-2025 Employee Counts General Fund	Other Funds	Total	Change vs Prior Month
September	1,909.950	549.050	2,459.000	
October	1,892.950	558.050	2,451.000	(8.000)
November	1,899.950	555.050	2,455.000	4.000
December	1,897.950	544.050	2,442.000	(13.000)
January	1,885.450	533.160	2,418.610	(23.390)
February	1,876.450	522.150	2,398.600	(20.010)
March	1,864.450	507.150	2,371.600	(27.000)
April	1,735.450	476.150	2,211.600	(160.000)
May	1,718.450	491.150	2,209.600	(2.000)
June	1,719.950	492.150	2,212.100	2.500
July	1,725.450	491.150	2,216.600	4.500
August				
Fiscal Year 2025				(242.400)

ABILENE INDEPENDENT SCHOOL DISTRICT
SUPPLEMENTAL INFORMATION
PERIOD ENDED JULY 31, 2025

NUMBER OF PAYROLL CHECKS AND DIRECT DEPOSITS:

	2024-25 Payroll checks/direct deposits	2023-24 Payroll checks/direct deposits	Net Change
September	2,379	2,352	28
October	2,391	2,362	29
November	2,400	2,372	28
December	2,396	2,388	9
January	2,384	2,397	(14)
February	2,375	2,418	(43)
March	2,366	2,409	(44)
April	2,333	2,382	(49)
May	2,321	2,368	(47)
June	2,312	2,366	(54)
July	2,253	2,302	(49)
August		-	-

This information is presented to determine if there are any significant fluctuations in the number of employees being paid in any given month. It only includes regular employees from all funding sources, but not any substitutes.

ABILENE INDEPENDENT SCHOOL DISTRICT
STUDENT ENROLLMENT & ATTENDANCE DATA
PERIOD ENDED July 31, 2025

Student Enrollment Counts:

	2024-25 FY25 Enrollment Amount	2023-24 FY24 Enrollment Amount	Year-Over-Year Change
September	14,607	14,676	(69.00)
October	14,538	14,632	(94.00)
November	14,539	14,640	(101.00)
December	14,409	14,498	(89.00)
January	14,435	14,602	(167.00)
February	14,446	14,510	(64.00)
March	14,436	14,507	(71.00)
April	14,383	14,478	(95.00)
May	14,304	14,363	(59.00)
June	N/A	N/A	N/A
July	N/A	N/A	N/A
August			

Attendance Rate:

	2024-25 Attendance Rate	2023-24 Attendance Rate	Year-Over-Year Change
September	93.40%	93.90%	-0.50%
October	95.40%	89.10%	6.30%
November	92.00%	92.00%	0.00%
December	90.20%	94.50%	-4.30%
January	86.10%	88.40%	-2.30%
February	92.20%	92.70%	-0.50%
March	93.50%	92.70%	0.80%
April	94.80%	93.50%	1.30%
May	90.20%	88.00%	2.20%
June	N/A	N/A	N/A
July	N/A	N/A	N/A
August			

Average Daily Attendance:

	2024-25 FY25 ADA Amount	2023-24 FY24 ADA Amount	Year-Over-Year Change
September	13,643	13,781	(137.83)
October	13,869	13,037	832.14
November	13,376	13,469	(92.92)
December	12,997	13,701	(703.69)
January	12,429	12,908	(479.63)
February	13,319	13,451	(131.56)
March	13,498	13,448	49.67
April	13,635	13,537	98.15
May	12,902	12,639	262.77
June	N/A	N/A	N/A
July	N/A	N/A	N/A
August			

ABILENE INDEPENDENT SCHOOL DISTRICT
PROJECTED AVERAGE DAILY ATTENDANCE
PERIOD ENDED July 31, 2025

PROJECTED AVERAGE DAILY ATTENDANCE

		2024-2025			Budget VS. Actual	
		Cumulative	Projected End of Year		Cumulative	
		ADA	ADA	WADA	ADA	WADA
Budgeted		12,600	n/a	18,588.193		
Six week period -						
First	ENDS 9/20/2024	13,291.980	13,291.980	19,169.376	691.980	581.183
Second	ENDS 11/1/2024	13,259.790	13,259.790	19,137.073	659.790	548.880
Third	ENDS 12/20/2024	13,226.740	13,226.790	19,103.908	626.740	515.715
Fourth	ENDS 2/13/2024	13,070.830	13,070.830	18,947.452	470.830	359.259
Fifth	ENDS 4/4/2024	13,042.110	13,042.110	19,292.609	442.110	704.416
Sixth	ENDS 5/22/2024	13,029.210	13,029.210	19,303.670	429.210	715.477

This information is presented to project what the ADA/WADA will be at the end of 2024-25. The projected ADA is based on a historical average that compares each six weeks cumulative ADA with the final ADA. WADA is calculated based on the various weights of each instructional setting. The State revenue budget is based on the budgeted ADA/WADA

ABILENE INDEPENDENT SCHOOL DISTRICT
SUPPLEMENTAL INFORMATION
PERIOD ENDED JULY 31, 2025

TAX COLLECTIONS - current:

	2024-25 Cumulative tax collections		2023-24 Cumulative tax collections		Variance Compared to Tax Levy (Cumulative)	
	Amount	Percent	Amount	Percent	Amount	Percent
Tax levy	$ 58,876,587	100.00%	$ 60,039,293	100.00%		
September	-	0.00%	-	0.00%	-	0.00%
October	724,030	1.23%	1,191,850	1.99%	(447,614.00)	-0.76%
November	8,798,912	14.94%	8,481,229	14.13%	479,650.00	0.81%
December	26,154,973	44.42%	27,674,626	46.09%	(981,246.00)	-1.67%
January	47,498,417	80.67%	43,950,152	73.20%	4,400,755.00	7.47%
February	50,837,131	86.35%	50,084,059	83.42%	1,722,282.00	2.93%
March	51,846,140	88.06%	50,626,483	84.32%	2,201,402.00	3.74%
April	52,335,235	88.89%	51,119,984	85.14%	2,207,709.00	3.75%
May	52,681,184	89.48%	51,570,214	85.89%	2,112,083.00	3.59%
June	55,838,169	94.84%	55,537,411	92.50%	1,377,326.00	2.34%
July	56,578,072	96.10%	55,833,211	92.99%	1,828,734.00	3.11%
August		0.00%	-	0.00%	-	0.00%

This information will be used to track District tax collections. Any significant deviations would potentially warrant an adjustment to the District budget. Taxes are officially levied on October 1. As a result, there are no current collections during the month of September each year. Tax collections become delinquent on January 31.

Abilene ISD
Monthly Donations Report
July 2025

Date	Campus/Department	Donor Name	Donor Address	Value	Description of Donation	Purpose of Donation	Fund
7/24/2025	Cooper Debate Club/Speech	Jay and Kim Miers	1734 Lakeway Dr. 79602	$ 1,000.00	Monetary	To Support Club Expenses	865
7/24/2025	Professional Learning Dept.	O'Kelley's Office Supply	290 Cypress St. 79601	$ 150.00	Monetary	New Teacher Orienation	499

Abilene Independent School District Board Document - Agenda Item VI.B

Meeting Date: September 8, 2025 Meeting Type: Regular Meeting

Item Type: Consent Future Action Required: No If Yes, Month: N/A

Subject: August 2025 Minutes

Background Information**:**

Attached Supporting Documents:

- August 7, 2025 – Workshop Meeting Minutes
- August 11, 2025 – Regular Meeting Minutes
- August 14, 2025 – Special Budget and Tax Rate Meeting Minutes

Fiscal Implications:

ABILENEISD
ATTRACT • LEAD • SUCCEED

Administrative Recommendation:
Approve minutes as presented.

Contact Person:
Robin Jones, Administrative Assistant to the Superintendent and Board of Trustees

Minutes of the August 7, 2025,
Workshop Meeting of the Board of Trustees

The Board of Trustees of the Abilene Independent School District met in a Workshop Meeting at 5:00 p.m., August 7, 2025, in the Alta Vista Room at One AISD Center 241 Pine Street, Abilene, Texas 79601. Mrs. Angie Wiley, President of the Board of Trustees, called the meeting to order at 5:00 p.m., observed that a quorum was present, and stated that notice of the meeting had been duly posted in the time and manner prescribed by law.

Trustees present for all or part of the meeting: Mrs. Angie Wiley, President; Mr. Rodney Goodman, Vice President; Mrs. Cindy Earles, Secretary; Mr. Bill Enriquez, Assistant Secretary, Dr. Danny Wheat, Mr. Blair Schroeder, and Dr. Taylor Tidmore. Members absent: None.

Administrators present for all or part of the meeting: Dr. John Kuhn, Superintendent; Dr. Joseph Waldron, Deputy Superintendent; Dr. Gustavo Villanueva, Associate Superintendent for Student Services; Mrs. Patti Blue, Associate Superintendent for Curriculum and Instruction; Mrs. Alison Sims, Associate Superintendent for the Development of Human Resources; Mrs. Jennifer Hinds, Chief Financial Officer; Dr. Jordan Ziemer, Executive Director of Communications; and Mrs. Robin Jones, Assistant to the Superintendent and Board of Trustees.

I. Call to Order

A. Oral Communication from the Public

Mrs. Angie Wiley asked if anyone wishing to address the Board had completed a public comment card. There was one.

- Mr. Samuel Garcia – Budget (Employee Compensation), Adult Ed

B. Board/Superintendent Announcements/Information

Dr. John Kuhn shared the following:

- Adult Ed funding has come through. More information coming soon.
- New TV monitors have been installed in the Ad Building displaying upcoming events, pictures of students and exciting things happening across the district. There is also a new map of the Ad Building on display by the N. 2nd Street entrance.
- August 9 – Board Pathways Training
- August 11 – Regular Board Meeting
- August 12 – First day of School
- August 14 – Budget and Tax Rate Meeting

II. Board Workshop Items

A. Budget Workshop

Mrs. Jennifer Hinds presented the fourth in a series of Board workshops designed to inform the Board as the FY 26 budget and tax rates are being prepared. The focus of this presentation was the tax rate, certified taxable value and proposed budget scenarios for Fiscal Year 2026.

B. Employee Compensation

Mrs. Alison Sims presented models of possible compensation plans for the 2025-2026 school year. The adoption of an updated compensation plan will be on August 11 Regular Meeting agenda.

C. TASB Policy Update 125

Mrs. Alison Sims presented local policies that have been updated and require board action and adoption based on the final recommendation of the district. Local policies in this update address Board officers and committees, practices involving the awarding of academic credit, attendance committees, health and wellness requirements, and school transfers. This update also includes revisions to many legal policies based on updates made in the legislative session.

D. TASB Policy EFB (LOCAL) Update

Mrs. Patti Blue presented an overview of SB 13 which was passed in the 89th Legislative session. She shared changes to library material acquisition, along with information regarding parent involvement, and School Library Advisory Council (SLAC). A version of Policy EFB (LOCAL) must be passed before the start of the 2025-2026 school year. The Board must decide which version to adopt: EFB (L) – SLAC or EFB (L) – Alt.

III. Agenda for Regular Meeting August 11, 2025

A. Consent Agenda Items

I. Finance: Budget Amendments

II. Finance: June Financials
III. Approval of Minutes
IV. District and Campus Improvement Plans
V. Head Start/Early Head Start Self-Assessment and Improvement Plan
VI. 2025-2026 Professional Development Plan
VII. Disposal of unneeded, printed, out of adoption/discontinued instructional materials by contracting with vendor, Superior Texas
VIII. Recension of proposed termination for James Smith
IX. Texas Teacher Evaluation and Support System Appraisers for 2025-2026

B. Reports
I. Academic Performance Report
II. Student Code of Conduct

IV. Business Items Requiring Board Action
A. The Board will consider approval of the 2025-2026 AISD Employee Compensation Plan.
B. The Board will consider approval of the 2025-2026 Hazardous Bus Routes.
C. The Board will discuss and consider approval of the Bank Depository Contract.

V. Adjournment

There being no further business, the meeting adjourned at 7:06 p.m.

APPROVED:

_____
President

ATTEST:

_____
Secretary

Minutes of the August 11, 2025,
Regular Meeting of the Board of Trustees

The Board of Trustees of the Abilene Independent School District met in a Regular Meeting at 4:30 p.m., August 11, 2025, in the Boardroom at One AISD Center 241 Pine Street, Abilene, Texas 79601. Mrs. Angie Wiley, President of the Board of Trustees, called the meeting to order at 4:30 p.m., observed that a quorum was present, and stated that notice of the meeting had been duly posted in the time and manner prescribed by law.

Trustees present for all or part of the meeting: Mrs. Angie Wiley, President; Mr. Rodney Goodman, Vice President; Mrs. Cindy Earles, Secretary; Mr. Bill Enriquez, Assistant Secretary, Dr. Danny Wheat, Mr. Blair Schroeder, and Dr. Taylor Tidmore. Members absent: None.

Administrators present for all or part of the meeting: Dr. John Kuhn, Superintendent; Dr. Joseph Waldron, Deputy Superintendent; Dr. Gustavo Villanueva, Associate Superintendent for Student Services; Mrs. Patti Blue, Associate Superintendent for Curriculum and Instruction; Mrs. Alison Sims, Associate Superintendent for the Development of Human Resources; Mrs. Jennifer Hinds, Chief Financial Officer; Dr. Jordan Ziemer, Executive Director of Communications; and Mrs. Robin Jones, Assistant to the Superintendent and Board of Trustees.

I. Call to Order

II. Closed Session: A Closed Session may be held under the provisions of Texas Government Code, Chapter 551 including but not limited to Section 551.071, Section 551.072, Section 551.074, Section 551.076, and Section 551.082, and Section 551.0821.

Mrs. Angie Wiley announced that a Closed Session would be held under the provisions of Texas Code, Chapter 551. The Board convened in Closed Session at 4:31 p.m.

A. The Board may deliberate matters of Personnel, i.e. appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee. (Section 551.074)

I. Professional Employment Contracts

B. The Board may consult with Legal Counsel regarding Pending or Contemplated Litigation and/ or Privileged Legal Advice. (Section 551.071)

C. The Board may discuss matters of Safety and Security. (Section 551.076)

D. The Board may discuss matters pertaining to Students necessarily involving personally identifiable information, e.g. Student Discipline. (Sections 551.082, 551.0821)

E. The Board may discuss the Value, Exchange and/or Disposition of Real Property. (Section 551.072)

III. Reconvene from Closed Session (Approximately 6:00 p.m.)

The Board reconvened at 6:07 p.m.

A. Invocation

Mrs. Angie Wiley called on Mrs. Alison Sims, Associate Superintendent for the Development of Human Resources, to give the invocation and lead the pledges.

B. Pledge of Allegiance to the Flags of the United States of America and the State of Texas

C. Board/Superintendent Announcements

Dr. John Kuhn shared the following:

- August 14 – Special Budget and Tax Rate Meeting
- AISD has been named one position on the Texas Association of School Administrators Advocacy Committee.

IV. Recognitions

A. Abilene ISD Teachers of the Year

Mrs. Patti Blue presented the following Abilene ISD Teachers of the Year:

- Elementary – Jennifer Crisp (Taylor Elementary)
- Secondary – Krista Conner (Craig Middle School)

B. Abilene ISD Employee Awards

Dr. Jordan Ziemer recognized the following Abilene ISD Employee Award winners for May 2025:

- Raul Martinez – Warehouse (Auxillary)
- Mary Vermillion, RN – Mann (Student Support)
- Jody Reese – Taylor (Substitute)
- Tiffany Wright – Bonham (New Teacher)

V. Oral Communications from the Public

Mrs. Angie Wiley asked if anyone wishing to address the Board had completed a public comment card. There were three:

- Jayton Alvidrez (2nd grade student at Austin) – Would like for the district to have a policy that if a student gets hit by another student, they are allowed to hit back.
- Cynthia Alvidrez – cell phone policy, weapons getting on campus – need metal detectors
- Tammy Fogle – Policy EFB (LOCAL) – SLAC should be passed

VI. Consent Agenda

Mrs. Angie Wiley asked if there was a motion regarding the Consent Agenda. Dr. Taylor Tidmore made a motion to approve the Consent Agenda as present. The motion was seconded by Dr. Danny Wheat and passed 7-0.
Ayes: Enriquez, Tidmore, Wheat, Schroeder, Goodman, Earles, and Wiley
Nays: None

A. The Board will consider accepting the June Financials.

B. The Board will consider approval of the Minutes of the July 7, 2025, Workshop and Regular Meeting; and the July 15, 2025, Special Board Meeting.

C. The Board will consider approval of the District and Campus Improvement Plans.

D. The Board will consider approval of the Head Start/Early Head Start Self-Assessment and Improvement Plan.

E. The Board will consider approval of the disposal of unneeded, printed, out of adoption/discontinued instructional materials by contracting with vendor, Superior Texas, in the amount of approximately $800.00 to dispose of said instructional materials.

F. The Board will consider and take action approving the recension of proposed termination for James Smith.

G. The Board will consider approval of Texas Teacher Evaluation and Support System Appraisers for 2025-2026.

VII. Reports

A. Academic Performance Report

Mrs. Patti Blue shared preliminary celebrations of the 2024-2025 Accountability Ratings. TEA will post ratings for the District to preview on August 13, 2025 and will publicly release ratings on August 15, 2025.

B. 2025-2026 Student Code of Conduct

Dr. Gustavo Villanueva share the 2025-2026 version of the Student Code of Conduct which includes significant revisions due to legislative changes driven by the following:

- HB 6 – Major reforms to student discipline procedures
- BH 1481 – Prohibition of personal communication device use during the school day
- SB 326 – Requirements to address antisemitism in student behavior policies
- SB 569 – Mandates consideration of virtual/hybrid education as an alternative to expulsion

He also shared key updates regarding In-School Suspension (ISS), Artificial Intelligence Use, Mandatory Expusion for Title 5 Felonies, and Assault of a School Employee.

C. Proposed Local Policy FNCE

Dr. Gustavo Villanueva presented updates to Policy FNCE (LOCAL) which reflect changes from the 89th Texas Legislative Session. This policy prohibits the use of electronic devices on campuses during the instructional day.

VIII. Business Items Requiring Board Action

A. The Board will consider approval of the 2025-2026 AISD Employee Compensation Plan.

Mrs. Alison Sims presented employee compensation plan options and shared the recommendation from administration as follows:

- Provide Teacher Retention Allotment based on HB 2
- $500 for teachers with 1-2 yr. experience
- 2% general pay increase for administrative professionals and tech paygrades 4-7
- 4% general pay increase for tech paygrades 1-3, auxillary and clerical professionals
- Provide TASB-recommended adjustments to improve market pay equity
- Adjust placement scales to address market differences and maintain equity
- Approve stipends as presented

Mrs. Angie Wiley asked if there was a motion regarding the 2025-2026 AISD Employee Compensation Plan. Mrs. Angie Wiley made a motion to approve the 2025-2026 AISD Employee Compensation Plan as presented. Mr. Blair Schroeder seconded the motion and it passed 7-0.

Ayes: Goodman, Enriquez, Schroeder, Wheat, Earles, Wiley, and Tidmore

Nays: None

B. The Board will consider approval of the 2025-2026 Hazardous Bus Routes.

Dr. Joseph Waldron presented that funding of bus transportation for students who live within 2 miles of the school they attend is allowable if certain conditions exist such as no walkways, uncontrolled traffic artery, industrial or commercial area or other comparable conditions impact their ability to walk to school. A listing of Hazardous Routes which reflected a reduction of two hazardous crossings from our bus routes was included in this report.

Mrs. Angie Wiley asked if there was a motion regarding the 2025-2026 Hazardous Bus Routes. Mr. Rodney Goodman made a motion to approve the 2025-2026 Hazardous Bus Routes, as presented. The motion was seconded by Dr. Taylor Tidmore and passed 7-0.

Ayes: Tidmore, Earles, Wiley, Goodman, Enriquez, Wheat, and Schroeder

Nays: None

C. The Board will discuss and consider approval of the Bank Depository Contract.

Mrs. Jennifer Hinds shared that the current contract with First Financial Bank is set to expire on August 31, 2025. She requested approval of a resolution directing the second of three possible extensions to the Abilene ISD's Bank Depository contract with First Financial Bank, thus extending the current depository contract to August 31, 2027.

Mrs. Angie Wiley asked if there was a motion regarding the Bank Depository Contract. Dr. Danny Wheat made a motion to approve the Bank Depository Contract as presented. The motion was seconded by Mr. Bill Enriquez and passed 7-0.

Ayes: Wiley, Schroeder, Earles, Tidmore, Wheat, Goodman, and Enriquez

Nays: None

D. The Board will consider approval of Policy EFB (LOCAL).

Mrs. Patti Blue presented an overview of SB 13 which included the following:

- Changes to Library Material Acquisition
- Parent Involvement
- SLAC (School Library Advisory Council) – purpose, duties and requirements if SLAC is established

She also recommended that proposed Policy EFB (LOCAL) be passed without the formation of SLAC until more information is received.

Mrs. Angie Wiley asked if there was a motion regarding Policy EFB (LOCAL). Mrs. Angie Wiley made a motion to approve Policy EFB (LOCAL) – SLAC. The motion was seconded by Mr. Blair Schroeder and passed 5-2.

Ayes: Wheat, Wiley, Earles, Schroeder, and Goodman

Nays: Tidmore and Enriquez

IX. The Board may take action relevant to Items Covered During Closed Session.

A. The Board will consider approval of Personnel Recommendations, if any.

I. Professional Employment Contracts

B. Matters pertaining to Real Property, if any

C. Matters pertaining to Safety and Security, if any

D. Matters pertaining to Litigation, if any

E. Matters pertaining to Students, if any

X. Adjournment

There being no further business, the meeting adjourned at 7:44 p.m.

APPROVED:

_____

President

ATTEST:

_____

Secretary

Minutes of the August 14, 2025,
Special Budget and Tax Rate Meeting of the Board of Trustees

The Board of Trustees of the Abilene Independent School District met in a Special Budget and Tax Rate Meeting at 5:00 p.m., August 14, 2025, in the Boardroom at One AISD Center 241 Pine Street, Abilene, Texas 79601. Mrs. Angie Wiley, President of the Board of Trustees, called the meeting to order at 5:00 p.m., observed that a quorum was present, and stated that notice of the meeting had been duly posted in the time and manner prescribed by law.

Trustees present for all or part of the meeting: Mrs. Angie Wiley, President; Mr. Rodney Goodman, Vice President; Mrs. Cindy Earles, Secretary; Mr. Bill Enriquez, Assistant Secretary, Dr. Danny Wheat, Mr. Blair Schroeder, and Dr. Taylor Tidmore. Members absent: None.

Administrators present for all or part of the meeting: Dr. John Kuhn, Superintendent; Dr. Joseph Waldron, Deputy Superintendent; Dr. Gustavo Villanueva, Associate Superintendent for Student Services; Mrs. Jennifer Hinds, Chief Financial Officer; Dr. Jordan Ziemer, Executive Director of Communications; and Mrs. Robin Jones, Assistant to the Superintendent and Board of Trustees.

I. Call to Order

A. Board/Superintendent Announcements/Information

There were no announcements.

II. Oral Communication from the Public

Mrs. Angie Wiley asked if anyone wishing to address the Board had completed a public comment card. There was one:

- Tammy Fogle - Budget

III. Public Hearing on Budget and Tax Rate for 2025-26

Mrs. Angie Wiley called on Mrs. Jennifer Hinds to give a brief overview of the Budget and Tax Rate for 2025-26.

A. Open Public Hearing

The Public Hearing opened at 5:05 p.m.

Mrs. Jennifer Hinds presented the following information for consideration in approving the 2025-2026 fiscal year's budget::

- Consideration of ordinance to set tax rate
- Proposed revenue
- Proposed budget summary
- Proposed budget by function

Recommendation was made that the Board approve the Ordinance setting the tax rate for tax year 2025 as follows:

- Maintenance & Operation Rate: $0.7421
- Interest & Sinking Rate: $0.2159
- Total Tax Rate for FY26 (Tax Year 2025): $0.9580

B. Receive public input concerning the 2025-26 Proposed Budget and Proposed Tax Rate

Mrs. Angie Wiley asked if anyone from the public wished to address the Board regarding the 2024-25 Proposed Budget and Proposed Tax Rate. There were two: Tammy Fogle and Eric Bengs

C. Close Public Hearing

The Public Hearing closed at 5:42 p.m.

IV. Business Items Requiring Board Action

A. The Board will discuss and consider approval of the 2025-2026 Student Code of Conduct.

Dr. Gustavo Villanueva shared that consequences for unauthorized phone/electronic device use will be added to the 2025-2026 Student Code of Conduct.

Mrs. Angie Wiley asked if there was a motion regarding the 2025-2026 Student Code of Conduct. Mr. Blair Schroeder made a motion to approve the 2025-2026 Student Code of Conduct as presented. The motion was seconded by Dr. Danny Wheat and passed 7-0.

Ayes: Goodman, Wiley, Earles, Schroeder, Wheat, Tidmore, and Enriquez

Nays: None

B. The Board will consider approval of Proposed Local Policy FNCE.

Dr. Gustavo Villanueva shared that Policy FNCE (LOCAL), regarding personal communication devices/electronic devices, is being updated to reflect changes from the 89th Texas Legislative Session. This policy prohibits the use of electronic devices on campuses during the instructional day.

Mrs. Angie Wiley asked if there was a motion regarding Local Policy FNCE. Mr. Rodney Goodman made a motion to approve the adoption of Local Policy FNCE in alignment with recent legislative updates as presented. The motion was seconded by Mr. Bill Enriquez and passed 7-0.

Ayes: Schroeder, Wheat, Enriquez, Wiley, Earles, Goodman, and Tidmore

Nays: None

C. The Board will consider approval of the 2024-25 FY Budget Amendments.

The 2025-26 FY Budget Amendments were presented by Mrs. Jennifer Hinds. Board approval is required for any budget amendments involving the following:

- Transfers between functional categories
- Increases or decreases in revenues or expenditures, or
- Donations received from external sources.

Mrs. Angie Wiley asked if there was a motion regarding the 2024-25 FY Budget Amendments. Dr. Taylor Tidmore made a motion to approve the 2024-25 FY Budget Amendments as presented. The motion was seconded by Mrs. Cindy Earles and passed 7-0.

Ayes: Schroeder, Wheat, Enriquez, Wiley, Earles, Goodman, and Tidmore

Nays: None

D. The Board will consider adoption of the 2025-26 Budgets for General Fund, Student Nutrition Fund, Debt Service Fund and Internal Service Fund.

Mrs. Jennifer Hinds provided supporting documentation for consideration in approving the 2025-2026 fiscal year's budget by function which outlined a deficit budget of $3,404,674.00.

Mrs. Angie Wiley asked if there was a motion regarding the 2025-2026 Budgets. Mr. Blair Schroeder made a motion to approve the 2025-2026 Budgets for General Fund, Student Nutrition Fund, Debt Service Fund and Internal Service Fund as presented. The motion was seconded by Dr. Taylor Tidmore and passed 7-0.

Ayes: Wiley, Wheat, Goodman, Tidmore, Schroeder, Enriquez, and Earles

Nays: None

E. The Board will consider adoption of an Ordinance setting the 2025-26 Tax Rate.

Mrs. Jennifer Hinds presented the total tax rate being considered for adoption includes the Maintenance and Operation (M&O) tax rate and the Interest and Sinking (I&S) tax rate. The recommendation was to set the M&O tax rate at $0.7421 per $100 of valuation and the I&S tax rate of $0.2159 per $100 of valuation for a total tax rate of $0.9580.

Mrs. Angie Wiley asked if there was a motion regarding the 2025-2026 Tax Rate. Dr. Danny Wheat made a motion to approve the adoption of an Ordinance setting the 2025-2026 Tax Rate as presented. The motion was seconded by Mr. Blair Schroeder and passed 7-0.

Ayes: Enriquez, Earles, Tidmore, Goodman, Wiley, Schroeder, and Wheat

Nays: None

F. The Board will consider approval of Resolution and Order of Election for an Abilene ISD Voter-Approved Tax Rate Election (VATRE) on November 4, 2025.

The District must hold an election allowing its registered voters to approve the adopted tax rate since it is in excess of its voter approval tax rate. Mrs. Angie Wiley asked if there was a motion regarding the Voter Approval Tax Rate Election. Mr. Blair Schroeder made a motion to approve the Order for an Abilene ISD Voter-Approval Tax Rate Election (VATRE) on November 4, 2025 as presented. The motion was seconded by Dr. Danny Wheat and passed 7-0.

Ayes: Wheat, Goodman, Wiley, Earles, Tidmore, Enriquez, and Schroeder

Nays: None

V. Adjournment.

There being no further business, the meeting adjourned at 6:03 p.m.

APPROVED:

_____

President

ATTEST:

_____

Secretary

Abilene Independent School District Board Document - Agenda Item VI.D.

Meeting Date: September 8, 2025 Meeting Type: Board Meeting

Item Type: Consent Future Action Required: no If Yes, Month:

Subject: Appointment of Members of the Local School Health Advisory Council (SHAC)

Background Information: BDF (Legal) stipulates the Board shall appoint at least five members to the SHAC. A majority of members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the SHAC.

The board also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified:

1) Classroom teachers; 2) School counselors; 3) School administrators; 4) District students;
5) Health-care professionals licensed or certified to practice in this state, including medical or mental health professionals; 6) the business community; 7) law enforcement; 8) senior citizens; 9) the clergy; 10) nonprofit health organizations; and 11) local domestic violence programs.

After careful review of applications, staff recommend eleven individuals representing the diversity of our community for Board consideration to serve on the 2025-2026 SHAC. Individuals who meet the majority requirement for non-employee parents are highlighted in blue and constitute more than 50% of the recommended members. Selection of chair or co-chairs will occur at the first meeting of the year.

Attached Supporting Documents: SHAC Member Recommendations

Fiscal Implications: None

Administrative Recommendation: Approve listed members to serve on the SHAC for the 2025-2026 school year.

Contact Person: Angela Valentine, Director of Health Services, ext. 7840 or Angela.Valentine@abileneisd.org

Name	AISD Employee	AISD Parent/Grandparent	School
Barbarick, Tali	Yes	Yes	AHS
Brokaw, Kristi	No	Yes	Taylor, Craig, AHS
Chavana, Olga	No	Yes	Madison, CHS
Garner, Tyrone	No	Yes	Madison, CHS
Kinslow, Tara	No	No	
Lafunte, Lyana Barrera	Yes	Yes	Alcorta, CFI
McCutchen, Chrystal	No	Yes	Craig
Roberts, Mary	Yes	No	
Roth, Megan	No	Yes	Madison
Smith, Karli	No	Yes	Bowie
Valentine, Angela	Yes	No	

Abilene Independent School District Board Document - Agenda Item VI.E.

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Consent Future Action Required: No If Yes, Month:

Subject: Texas A&M AgriLife Extension Service Resolution and Adjunct Faculty Agreement

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Background Information:

19 Education Code, Chapter 76.1 outlines the role of a Board of Trustees in the recognition and eligibility of organizations such as the Callahan County and Taylor County Texas 4-H organization for extracurricular status. Such recognition via Board resolution conveys certain rights on the organization related to student participation and is beneficial for Abilene ISD students when it comes to absences related to extracurricular participation. This agreement is subject to the provisions of 19 Texas Administrative Code.

Attached Supporting Documents:

Resolution and Adjunct Faculty Agreement – Callahan County

Resolution – Taylor County

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Fiscal Implications:

No cost.

Administrative Recommendation:

Approve resolution and adjunct faculty agreements.

Contact Person:

John Kuhn, Superintendent

WEST CENTRAL DISTRICT 7

August 1, 2025

Texas A&M AgriLife Extension Service – Callahan County
100 West 4th St., Suite 201
Baird, TX 79504

Dr. John Kuhn
Abilene ISD
241 Pine St.
Abilene, TX 79604

Dear Dr. Kuhn,

On behalf of the 4-H members of Callahan County, I/we hereby respectfully request that the 4-H organization, by the attached resolution, be sanctioned as an extracurricular activity. We request the enclosed RESOLUTION be presented for consideration at the next scheduled meeting of the Board of Trustees of the Abilene ISD. I/we further request that questions regarding this RESOLUTION be directed to me/us in a timely manner so that I/we may prepare and present an appropriate response so as not to delay action on this request.

Finally, I/we request that a signed copy of this RESOLUTION, along with a copy of the minutes of the Board meeting, be forwarded to me/us for my/our files.

Thank you and members of the Board of Trustees for your consideration of this request.

Sincerely

Karl Winge

Karl Winge
County Extension Agent – AG/NR

Attachment: Resolution for Extracurricular Status of 4-H Organization

Texas A&M AgriLife Extension provides equal opportunities in its programs and employment to all persons, regardless of race, color, sex, religion, national origin, disability, age, genetic information, veteran status, sexual orientation, or gender identity. The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas Cooperating.

ADJUNCT FACULTY AGREEMENT

THE STATE OF TEXAS: COUNTY OF CALLAHAN

On this date, at a regularly scheduled and posted meeting, came the Board of Trustees of the Abilene Independent School District, hereinafter referred to as "School District." A quorum having been established, the Board proceeded to consider the appointment of the herein named individual as an adjunct faculty member of the School District.

Upon consideration and vote of Unanimous in favor, Karl Winge is hereby named as an adjunct faculty member of the School District subject to the following considerations and provisions of such appointment to wit:

1. This appointment shall commence on the 12th day of August 2025 and end on the 21st day of May, 2026, being the end of the current academic year.
2. This appointment will include the Texas A&M AgriLife Extension Service employees listed below:
   Name: Karl Winge Title: County Extension Agent Degree: Bachelors Date: 2002 Institution: Tarleton State University
3. Adjunct faculty member will receive no compensation, salary, or remuneration from the School District.
4. Adjunct faculty member is and shall remain an employee, in good standing, of the Texas A&M AgriLife Extension Service.
5. Adjunct faculty member shall be under the direct supervision of the District Extension Administrator of District 7.
6. Adjunct faculty member(s) shall receive all group insurance benefits, workman's compensation insurance benefits, unemployment insurance, and any and all other plans for the benefit of Texas A&M AgriLife Extension Service employees. The School District shall have no responsibility for any of such benefits or plans.

Adjunct faculty member shall direct the activities and participation of students of the School District in sponsored and approved activities as designated from time to time by adjunct faculty members for which notice shall be given to School District administrative personnel. Adjunct faculty members' activities and participation with students of the School District are directed, supervised, and controlled by and through supervisory personnel of Texas A&M AgriLife Extension Service pursuant to the supervisory authority of the District Extension Administrator. Adjunct faculty member is not the employee of the School District, and School District does not nor shall not supervise, direct or control the activities and/or participation of such County Extension Agent(s) who have/has been herein designated as an adjunct faculty member.

This appointment is made by the School District by and through the Board of Trustees of said district for the benefit of allowing voluntary student participation in programs conducted by the Texas A&M AgriLife Extension Service in recognition of the educational benefits arising from such participation and activities and/or directed by the Texas A&M AgriLife Extension Service. This appointment is made in accordance with the provisions of Section 129.21(j)(I) of the Texas Administrative Code authorizing the school to deem such participating students in attendance for foundation school program purposes.

This appointment of the herein named County Extension Agent(s), Karl Winge, is/are not intended nor shall be construed as a waiver of any claim or defense of sovereign or governmental immunity from liability now possessed by the School District or any of its employees, agents, officers, and/or board members in the performance of governmental functions.

Signed this ___ day of _____, 20___.

Abilene Independent School District

By: _____

RESOLUTION
EXTRACURRICULAR STATUS OF 4-H ORGANIZATION

Be it hereby resolved that upon this date, the duly elected Board of Trustees of the

Abilene Independent School District

(Complete name of school district)

meeting in public with a quorum present and certified,
did adopt this resolution that recognizes the

Callahan County

Texas 4-H Organization as approved for recognition and eligible for extracurricular status consideration under 19TexasAdministrative Code,
Chapter 76.1, pertaining to extracurricular activities.

Participation by 4-H members under provisions of this resolution are subject to all rules and regulations set forth under the 19Texas Administrative Code as interpreted by this Board and designated officials of this school district.
A local representative of the Texas A&M AgriLife Extension Service
will request academic eligibility for all 4-H competitive activities, regardless if a school absence is or is not required, and for non-competitive purposes when an absence is required.

Approved this _____ day of _____, 20 _____.

_____ _____

Board of Trustee Superintendent

ADJUNCT FACULTY REQUEST

THE STATE OF TEXAS
COUNTY OF: Taylor

On this date, at a regularly scheduled and posted meeting, came the Board of Trustees of the Abilene Independent School District, hereinafter referred to as "District." A quorum having been established; the Board proceeded to consider the appointment of the herein named individual{s) as an adjunct member of the Abilene Independent School District.

Upon consideration and vote of in favor, Steve Estes, Kim Miles & Maggie McBride is hereby named as adjunct faculty member(s) of the Abilene Independent School District subject to the following considerations and provisions of such appointment to wit:

1. This appointment shall commence on the ___ day of September 2025and remain in effect until the _____ day of May.

2. This appointment will include the Texas A&M AgriLife Extension Service employees listed below:

NAME	TITLE	DEGREE	INSTITUTION	DATE
Steve Estes	County Extension Agent	M.S. Ag Education	Texas Tech University	2006
Kim Miles	County Extension Agent	M.S. Family Studies	Texas Women's University	2002
Maggie McBride	County Extension Agent	B.S. Ag Science & Leadership	Angelo State University	2020

3. Adjunct faculty member{s) will receive no compensation, salary, or remuneration from Abilene Independent School District.
4. Adjunct faculty member(s) is and shall remain an employee, in good standing, of the Texas A&M Agrilife Extension Service.
5. Adjunct faculty member(s) is and shall remain under the direct supervision of either the District Extension Administrator of District 7 or Taylor County Extension Director.
6. Adjunct faculty member(s) shall receive all group insurance benefits, workman's compensation insurance benefits, unemployment insurance, and any and all other plans for the benefit of Texas A&M Agrilife Extension Service employees. District shall have no responsibility for any of such benefits or plans.

Adjunct faculty member(s) shall direct the activities and participation of students of the school district in sponsored and approved activities as designated from time to time by adjunct faculty members for which notice shall be given to School District administrative personnel. Adjunct faculty members' activities and participation with students of the School District are directed, supervised, and controlled by and through supervisory personnel of Texas A&M Agrilife Extension Service pursuant to the supervisory authority of the District Extension Administrator or County Extension Director. Adjunct faculty member(s) is not the employee of the School District, and School District does not nor shall not supervise, direct or control the activities and/or participation of such Taylor County Extension Agent(s) who have/has been herein designated as an adjunct faculty member.

This appointment is made by the Independent School District by and through the Board of Trustees of said district for the benefit of allowing voluntary student participation in programs conducted by the Texas A&M Agrilife Extension Service in recognition of the educational benefits arising from such participation and activities and/or directed by the Texas A&M Agrilife Extension Service. This appointment is made in accordance with the provisions of Section 129.21 (j)(l) of the Texas Administrative Code authorizing the school to deem such participating students in attendance for foundation school program purposes.

This appointment of the herein named Taylor County Extension Agent(s), Steve Estes, Kim Miles & Maggie McBride (Extension employee) is/are not intended nor shall be construed as a waiver of any claim or defense of sovereign or governmental immunity from liability now possessed by Abilene Independent School District or any of its employees, agents, officers, and/or board members in the performance of governmental functions.

Signed this ___ day of September 2025

Abilene Independent School District

By: _____

EXTRACURRICULAR STATUS REQUEST

RESOLUTION
EXTRACURRICULAR STATUS OF 4-H ORGANIZATION

Be it hereby resolved that upon this date, the duly elected Board of Trustees of the

Abilene Independent School District

(Complete name of school district)

meeting in public with a quorum present and certified,
did adopt this resolution that recognizes the

Taylor _____County

Texas 4-H Organization as approved for recognition and eligible for extracurricular status consideration under 19TexasAdministrative Code,
Chapter 76.1, pertaining to extracurricular activities.

Participation by 4-H members under provisions of this resolution are subject to all rules and regulations set forth under the 19Texas Administrative Code as interpreted by this Board and designated officials of this school district.
A local representative of the Texas A&M AgriLife Extension Service
will request academic eligibility for all 4-H competitive activities, regardless if a school absence is or is not required, and for non-competitive purposes when an absence is required.

Approved this __ day of September 2025.

_____ _____

Board of Trustee Superintendent

Abilene Independent School District Board Document - Agenda Item XX.XX

Meeting Date: September 8, 2025 Meeting Type: Regular Meeting

Item Type: Consent Agenda Future Action Required: Yes If Yes, Month: September

Subject: Policy DC (Local)

Background Information**:** This update to Policy DC (Local) broadens the Superintendent's hiring authority to any employee except the Chief Financial Officer and Deputy Superintendent.

Attached Supporting Documents:
Updated Policy DC (LOCAL)

Current Policy DC (LOCAL)

Fiscal Implications:
None

Administrative Recommendation:
Approval of updated policy DC (Local)

Contact Person:
Alison Sims

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Personnel Duties

The Superintendent or designee shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

Posting Vacancies

The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

Recruitment and Selection

The Superintendent or designee shall determine the personnel needs of the District.

The Superintendent shall ensure that persons recommended for employment meet all qualifications established by law and the Board for the type of position for which recommendation is made.

A personal interview shall be required for all persons employed by the District.

Applications

All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.

[For information related to the evaluation of criminal history records, see DBAA.]

Employment of Contractual Personnel

The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel in the positions of ~~principal and above~~ Deputy Superintendent and Chief Financial Officer.

The Board retains final authority for employment of contractual personnel in the positions of Deputy Superintendent and Chief Financial Officer. The Board delegates to the Superintendent the authority to employ contractual personnel in the positions ~~principal~~ of Associate Superintendent and below; however, the Board's delegation must be reauthorized annually by November 1 in order to remain in effect. The Superintendent shall inform the Board of any person hired under this authority.

[See DCA, DCB, DCC, and DCE as appropriate.]

Employment of Noncontractual Personnel

Note: For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]

Employment Assistance Prohibited

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DH(EXHIBIT) for the Educators' Code of Ethics.]

Personnel Duties

The Superintendent or designee shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

Posting Vacancies

The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

Recruitment and Selection

The Superintendent or designee shall determine the personnel needs of the District.

The Superintendent shall ensure that persons recommended for employment meet all qualifications established by law and the Board for the type of position for which recommendation is made.

A personal interview shall be required for all persons employed by the District.

Applications

All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.

[For information related to the evaluation of criminal history records, see DBAA.]

Employment of Contractual Personnel

The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel in the position of principal or above.

The Board retains final authority for employment of contractual personnel in the position of principal or above. The Board delegates to the Superintendent the authority to employ contractual personnel in a position below principal; however, the Board's delegation must be reauthorized annually by November 1 in order to remain in effect. The Superintendent shall inform the Board of any person hired under this authority.

[See DCA, DCB, DCC, and DCE as appropriate.]

Employment of Noncontractual Personnel

Note: For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]

Employment Assistance Prohibited

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DH(EXHIBIT) for the Educators' Code of Ethics.]

Abilene Independent School District Board Document - Agenda Item VI.G

Meeting Date: September 8, 2025 Meeting Type: Regular Meeting

Item Type: Consent Agenda Future Action Required: Yes If Yes, Month: September

Subject: Policy DC (Local)

Background Information**:** Policy DC (Local) requires a yearly renewal for the portion on the policy that delegates hiring authority to the superintendent for any contracted employee except for Chief Financial Officer and Deputy Superintendent.

Attached Supporting Documents:
Updated Policy DC (Local)

Fiscal Implications:
None

Administrative Recommendation:
Approval of updated policy DC (Local)

Contact Person:
Alison Sims

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Personnel Duties

The Superintendent or designee shall define the qualifications, duties, and responsibilities of all positions and shall ensure that job descriptions are current and accessible to employees and supervisors.

Posting Vacancies

The Superintendent or designee shall establish guidelines for advertising employment opportunities and posting notices of vacancies. These guidelines shall advance the Board's commitment to equal opportunity employment and to recruiting well-qualified candidates. Current District employees may apply for any vacancy for which they have appropriate qualifications.

Recruitment and Selection

The Superintendent or designee shall determine the personnel needs of the District.

The Superintendent shall ensure that persons recommended for employment meet all qualifications established by law and the Board for the type of position for which recommendation is made.

A personal interview shall be required for all persons employed by the District.

Applications

All applicants shall complete the application form supplied by the District. Information on applications shall be confirmed before a contract is offered for a contractual position and before hiring or as soon as possible thereafter for a noncontractual position.

[For information related to the evaluation of criminal history records, see DBAA.]

Employment of Contractual Personnel

The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel in the positions of ~~principal and above~~ Deputy Superintendent and Chief Financial Officer.

The Board retains final authority for employment of contractual personnel in the positions of Deputy Superintendent and Chief Financial Officer. The Board delegates to the Superintendent the authority to employ contractual personnel in the positions ~~principal~~ of Associate Superintendent and below; however, the Board's delegation must be reauthorized annually by November 1 in order to remain in effect. The Superintendent shall inform the Board of any person hired under this authority.

[See DCA, DCB, DCC, and DCE as appropriate.]

Employment of Noncontractual Personnel

Note: For employment of a bus driver related to a Board member or the Superintendent, see DBE(LEGAL).

The Board delegates to the Superintendent final authority to employ and dismiss noncontractual employees on an at-will basis. [See DCD]

Employment Assistance Prohibited

No District employee shall assist another employee of the District or of any school district in obtaining a new job if the employee knows, or has probable cause to believe, that the other employee engaged in sexual misconduct regarding a minor or student in violation of the law. Routine transmission of an administrative or personnel file does not violate this prohibition. [See CJ for prohibitions relating to contractors and agents and DH(EXHIBIT) for the Educators' Code of Ethics.]

Abilene Independent School District Board Document - Agenda Item

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Consent Agenda Future Action Required: No If Yes, Month: N/A

Subject: 25-26 Professional Development Plan

Background Information:

- Policy DMA (Local) requires The Board to "annually review the professional development clearinghouse published by the State Board for Educator Certification (SBEC) and annually approve the District's professional development plan."
- I have provided many documents outlining Professional Development requirements and plans for 25-26.
- 25-26 Abilene ISD Required Professional Development is the document we are asking you to approve.

Attached Supporting Documents:

1. 25-26 Professional Development Plan
2. DMA (Local) - outlines requirements of The Board
3. 25-26 Abilene ISD Required Professional Development
4. Back to School 2025-2026 Professional Development
5. Day 1 and Day 2 of Admin Retreat for 2025-2026
6. SBEC Clearinghouse

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Fiscal Implications:

Various costs throughout the year. These training costs are part of our annual budget planning.

Administrative Recommendation:

Approve 25-26 Abilene ISD Required Professional Development Plan

Contact Person:

Patti Blue

2025-2026 Professional Development

The Abilene ISD Required Professional Learning Matrix has been developed based on the SBEC Clearinghouse requirements.

Components of annual required training as indicated in the Abilene ISD Required Professional Learning Matrix are delivered through online courses.

School Year Calendar:

July 29 and 28: Admin Retreat
July 31: Safe and Civil Schools for Administrators
August 4: Campus and Department Kick-Off Meetings
August 5: Convocation and Campus Based Professional Development
August 6 - 8: Continued various training across the district (Total of one day must be Work Time. Principals are given discretion to choose when that happens on their campus.)
August 11: Campus Work Day

C & I will work with principals to schedule timely and appropriate Professional Development for the following dates:

September 22, October 10, October 31, February 13, and February 16.

As often as possible, principals will be given the ability to make plans that are more specific to their campuses. There are a few districtwide professional development sessions that we must conduct. (example: Youth Mental Health) There are also a few topics that multiple campuses have requested. (example: Safe and Civil School Tier 2) We will coordinate these types of training at the district level.

The Superintendent shall recommend the District's professional development plan for all District employees. The Board shall annually review the professional development clearinghouse published by the State Board for Educator Certification (SBEC) and annually approve the District's professional development plan. The District's professional development plan must:

1. Be guided by the SBEC clearinghouse training recommendations;

2. Note any differences in the District's plan from the clearinghouse recommendations; and

3. Include a schedule of the required professional development for all District employees.

ABILENE ISD
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Abilene ISD Required Professional Learning Matrix

👇 Be sure to scroll down to see the full document. 👇

USE LINKS BELOW TO QUICKLY ACCESS PORTIONS OF THE DOCUMENT.

All Staff | Trainings in Statute | New Hires

All Abilene ISD employees are required to view each online training module and acknowledge they understand and will comply with the content covered.

***Additional training requirements** may be added during the year.*

ALL STAFF

Campus/District Personnel hired after the initial annual requirements deadline have six (6) weeks to complete required compliance training.

**Training completion for the following personnel will be verified by departments: Food Services, Transportation, Maintenance and Custodial Services.*

Vector Safe Schools Course	Vector Safe Schools Course	KnowBe4 Course
Compliance Training • Bloodborne Pathogens Exposure Prevention (refresher) • Bullying: Recognition and Response (refresher) • Cyberbullying • Youth Suicide: Awareness, Prevention, and Postvention • AISD Employee Handbook • AISD Confidentiality Agreement (HIPPA)	**New Hire Training** **(in addition to Compliance Training)** • CrisisGo Basics • Seizure Training • AISD Safety and Security • General Ethics in the Workplace	**CybersecurityTraining** (for all staff in addition to compliance and new hire training)

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• Child Abuse: Mandatory Reporting - Updated • Dating Violence: Identification and Prevention (Teachers and administrators grade 6 or higher)		

TRAININGS IN STATUTE

Course/Training	Description/Audience	Training Link/Location	Special Notes & Instructions
Administration of Epinephrine Auto-Injectors	**AUDIENCE: District & School Nurses (K-12) - School personnel and volunteers who are authorized and trained.** How to recognize the signs and symptoms of anaphylaxis, administer an epinephrine auto-injector, implement emergency procedures, and properly dispose of used or expired epinephrine auto-injectors. Provided in formal training setting or online and completed annually.	Job embedded training scheduled through Health Services	Training in compliance with professional learning statute 38.208(a)
Administration of Opioid Antagonist	**AUDIENCE: One or more school personnel members or volunteers on each campus must be authorized and trained to administer opioid antagonist** How to recognize the signs and symptoms of an opioid-related drug overdose, administer an opioid antagonist, implement emergency procedures if necessary, and properly dispose of used or expired opioid antagonists.	Training scheduled through Health Services	Training in compliance with professional learning statute 38.222(c) and 38.224(b)
Administrator Appraiser	**AUDIENCE: Administrators**	Training and certification offered by the Regional	Before conducting appraisals, an appraiser must satisfactorily

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Training	Training in compliance with professional learning statute TAC, Title 19, §150.1024 (b) and TAC, Title 19, §150.1005 (c) (d)	Education Service Centers.	complete the T-TESS appraiser training and pass the examination and have completed ILT, ILD, or AEL certification training.
AP 30-Hour Summer Institute (5 Days)	**AUDIENCE: AP Teachers**	College Board	Any teacher that is assigned to teach an AP course must complete the AP 5-day Summer Institute prior to 1st day of instruction.
Assessment Instrument Administration	**AUDIENCE: School district employees involved in the administration of assessment instruments administered under Section 39.023.** Training in compliance with professional learning statute TEC, §39.0304 (a), (b), (c); TAC, §101.3031 (a)(D)(ii); (c)	Annually through Assessment & Accountability Department	
Bleeding Control Stations	**AUDIENCE: School district police officer commissioned under Section 37.001 or school security personnel, school resource officer, other district or school personnel who may be reasonably expected to use a bleeding control station** Training in compliance with professional learning statute TEC, §38.030(b)(3)	Contact Safety & Security Department for training information	Agency approved training on the use of a bleeding control station using nationally recognized evidence-based guidelines.
Bullying: Prevention, Response, and Reporting	**AUDIENCE: All Teachers, School Counselors, Principals, and all other appropriate personnel** Job embedded training through implementation of PBIS/CHAMPS/ Safe & Civil Schools, Capturing Kids' Hearts and Character Strong	Campus-based Training scheduled and monitored through Student Services Department	Training in compliance with professional learning statute 21.451(d)(3)(C)(d-1)(1)(A), 38.351, and 21.451(d-1)(2)
Capturing Kids' Hearts	**AUDIENCE: Elementary and Middle School Staff**	Job embedded training provided annually through	

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	Training in compliance with professional learning statute 21.451(d)(3)(B)(d-1)(1)(A), 38.351, and 21.451(d-1)(2)	scheduled inservice.	
Cardiopulmonary Resuscitation (CPR)	**AUDIENCE:** - **Secondary Fine Arts Teachers** - **Head director of school marching band; head coach or chief sponsor of extracurricular athletic activity, including cheerleading**	Annual training dates will be determined by the appropriate cooperating departments	**RENEWAL REQUIRED EVERY TWO YEARS** Must maintain and submit proof of certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification
Civil Rights Training	**AUDIENCE: Frontline food service staff and those that supervise frontline staff.** Training in compliance with professional learning statute USDA, FNS Instruction Number 113-1, XI	Training scheduled through Student Nutrition Department	Civil rights training in compliance and complaints on an annual basis.
Concussion Training	**AUDIENCE: District Concussion Oversight Team , Athletic Trainers** Training in compliance with HB 2038, TEC, §38.154 (b-1), (c)	Training scheduled through Athletics Department	Training must be from an approved provider and must include the evaluation, treatment, and oversight of concussions.
Diabetes	**AUDIENCE: School employees acting as unlicensed diabetes care assistants.** Training in compliance with professional learning statute Texas Health and Safety Code, §168.005	Provided before the beginning of the school year Coordinated by School Nurse as needed	If a school nurse is assigned to a campus, the school nurse shall coordinate the training of school employees acting as unlicensed diabetes care assistants.
Disciplinary Procedures	**AUDIENCE: Principal or other appropriate administrator who oversees student discipline**	Annual training dates will be determined by the appropriate cooperating	Training on the distinction between a discipline management technique under Section 37.002(a) and Section

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	Training in compliance with professional learning statute TEC, §37.0181 (a) (b)	departments	37.002(b). **Training must be received every three years.**
Dyslexia	**AUDIENCE: Teachers who screen and treat students with dyslexia and related disorders. Classroom teachers and administrators of districts that are recipients of a grant under TEC, §29.027.** Training in compliance with professional learning statute TAC, §74.28(d)(e)	Annual training dates will be determined by the Special Education Department	
ESL Supplemental Certification	**AUDIENCE:** **- All ELA Teachers (K-12)** **- Special education teachers (except PALS and ADAPT)** Teachers must pass the ESL Supplemental exam. Teachers who have not passed the exam will have an ESL addendum added to their contract which will require them to successfully pass the exam by the date indicated on the addendum.	Training provided by AISD and/or TEA. Annual training or preparation dates will be determined by the Curriculum & Instruction Department.	TExES ESL Exam #154 administered by Pearson.
Evidence- based Mental Health Training	**AUDIENCE: Any district employee who regularly interacts with students.** Training in compliance with professional learning statute TEC §22.904	Annual training dates will be determined by the appropriate cooperating departments	25% of staff compliant with expectation by 2025-2026
Extracurricular Athletic Activity Training Program	**AUDIENCE: Coaches, trainers, sponsors of extracurricular athletic activities. Director of the marching band.** Training in compliance with professional learning statute TEC, §33.202 and TAC, §76.1003	Training scheduled through Athletics Department	Emergency action planning, communicating with 9-1-1, recognizing symptoms of potentially catastrophic injuries.
Fentanyl Abuse Prevention	**District plan in development**	Training scheduled through	

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		Student Services and/or Health Services Department	
Food Allergy Training	**AUDIENCE: Awareness training for all staff; comprehensive training for the food allergy management team.** Training on anaphylaxis and emergency response to anaphylactic reactions	Training scheduled through Student Nutrition Department	Training in compliance with professional learning statute TEC, §38.0151; Commissioner of DSHS guidelines
G/T Training- Foundational 30 Hours (5 Days)	**AUDIENCE:** - **Teachers (K-12) who provide instruction and services to G/T students, including Honors (formerly PreAP)** - **Administrators who evaluate G/T staff** Must be completed within one semester. Must include the nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students.	Region 14 ESC - Online modules and in-person workshops offered annually	Per TEA Guidelines, any teacher who provides instruction and services designated as part of the district's G/T services, including elementary GT as well as Honors (formerly PreAP/AP), is required to receive a minimum of thirty (30) hours of professional learning (foundational training) PRIOR to providing G/T instruction. Honors (formerly PreAP/AP) teachers who have completed the 5-Day AP Summer Institute only need to complete Days 1 and 2 of the foundation training. Campus Administrators need to complete Day 1 of the foundational training.
G/T Training Annual 6-Hour Update	**AUDIENCE: Teachers (K-12) who provide instruction and services to G/T students, including Honors (formerly PreAP)** Teachers must receive a minimum of six (6) hours annually of professional learning in G/T education.	Annually through any qualifying course with GT credit provided	
Hazardous Chemicals	**AUDIENCE: Employees who use or handle**	Training scheduled through	Training in compliance with

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	hazardous chemicals (including science lab teachers). Education and training program with information on interpreting labels and SDSs, use of protective equipment, first aid	Facilities and Curriculum & Instruction Departments	professional learning statute Texas Health and Safety Code, §502.009
Illegal Steroid Use	**AUDIENCE: Each district employee who serves as an athletic coach at or above the 7th grade for an extracurricular athletic activity.** Health effects of steroid use	Training scheduled through Athletics Department	Training in compliance with professional learning statute TEC, §33.091 (c-1)
Instruction of Students with Disabilities	**AUDIENCE: Educators who work primarily outside of special education and do not possess the knowledge and skills necessary to implement IEPs.** Training in compliance with professional learning statute TEC, §21.451 (d)(2)(a)(b); TEC, §21.054	Annual training dates will be determined by the Special Education Department	
Kiln Safety Training	**AUDIENCE: All visual art faculty working with a kiln** All visual art faculty working with a kiln are required to participate in in-person training followed by a short annual update.	Annual training dates will be determined by the Fine Arts Department.	Please contact the Fine Arts Office for information.
Migrant New Generation System (NGS)	**AUDIENCE: All personnel sharing responsibility for implementing NGS activities.** Training in compliance with professional learning statute PL 107-110, Title I, Part C, Section 1304(a)(6)(B); Texas Manual for the Identification and Recruitment of Migrant Students	Training scheduled through Federal Programs Department Before November 15	
Migrant Identification and Recruitment (ID&R)	**AUDIENCE: All recruiters and designated SEA reviewers for the Migrant Education Program.**	Training and certification offered by the Regional	

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	Training in compliance with professional learning statute PL 107-110, Title I, Part C, Section 1304; Texas Manual for the Identification and Recruitment of Migrant Students	Education Service Centers. Must be before October 15 or before recruitment efforts begin.	
Multi-hazard Emergency Operations Plan	**AUDIENCE: School district employees including substitute teachers** Training in responding to an emergency	Training scheduled through Safety & Security Department	Training in compliance with professional learning statute TEC, §37.108 (a)(1) and (c-2)(4)
Positive and Proactive Behavior Management	**AUDIENCE: DAEP staff** Must target prevention and intervention and focus on positive and proactive behavior management strategies. Annual requirement. Procedures for reporting abuse, neglect, or exploitation of students.	Training scheduled through Student Services Department	Training in compliance with professional learning statute TAC, §103.1201 (3)(h)(2) and (3)(i)
Positive Relationship & Conflict Resolution	**AUDIENCE: All Teachers, School Counselors, Principals, and all other appropriate personnel** Training in compliance with professional learning statute 21.451(d)(3)(B)(d-1)(1)(A), 38.351, and 21.451(d-1)(2)	Check In Onboarding Program Campus-based	Job embedded training through implementation of PBIS/CHAMPS/ Safe & Civil Schools, Capturing Kids' Hearts and Character Strong
P-TESS Orientation	**AUDIENCE: Principals new to district or that have never been appraised with the T-PESS** Prior to or in conjunction with the pre-evaluation conference. The training shall include all state and local appraisal policies.	Training scheduled through Curriculum & Instruction Department	Training in compliance with professional learning statute TAC, §150.1025
Reading Academy (Literacy Achievement Academies)	**AUDIENCE: Teachers who provide reading instruction to students in any grade level.** **- Teachers (K-3) (Exceptions: PE, Music, Art)** **- K-3 Reading Interventionists**	Training scheduled with AISD Reading Academy Cohort Leader	This will include in person training and coaching sessions. Contact Mandi Joiner

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	- K-3 Special Ed, includes PALS, Adapt, and TIP **- Elementary Principals** House Bill 3 (HB 3), passed by the 86th Texas Legislature in June of 2019, requires all kindergarten through third grade teachers and principals to attend a "teacher literacy achievement academy."		(mandi.joiner@abileneisd.org) for more information.
Science Safety Training	**AUDIENCE: All Science Teachers (K-12)**	Training provided by TEA through TEA Learn at https://register.tealearn.com/	**REQUIRED RENEWAL EVERY THREE YEARS** Teachers must provide proof of passing a science safety course for Elementary or Secondary Science. Upload your certificate to https://bit.ly/SciSafeTEA once complete.
Teen Dating Violence	**AUDIENCE: Teachers and administrators** Training in compliance with professional learning statute TEC, §37.0831 (b) (2)	Training scheduled through Student Services Department	
Texas English Language Proficiency Assessment System	**AUDIENCE: Professionals or paraprofessionals who administer English language proficiency tests.** Training or online calibration activities	Annually through Assessment & Accountability Department	Training in compliance with professional learning statute TEC, §29.056(b) and TEC, §21.4571
UIL Safety Training	**AUDIENCE: Coaches, Trainers, Sponsors for Extra Curricular Activities, School Marching Band Directors** Training in compliance with professional learning statute 33.202(a)(b)(c)	AISD Coaches Summit (annual)	
Use of an Automated	**AUDIENCE: District employees and volunteers.**	Training scheduled through	

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External Defibrillator	**School nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, other school employee specified by the Commissioner and student athletic trainers must participate.** Training in compliance with professional learning statute TEC, §22.902(a)(c) and TEC, §21.4515, Section 779.001, Health and Safety Code	Health Services Department	
Use of Restraint CPI: Crisis Prevention Institute	**AUDIENCE: School employees, volunteers, independent contractors.** Training in compliance with professional learning statute TAC, §89.1053 (d)	Annual training dates will be determined by the Special Education and Student Services Departments	A core team of personnel on each campus must be trained and must contain an administrator or designee. Personnel using restraint in an emergency must receive training within 30 school days after the use of restraint.
Use of Time-Out	**AUDIENCE: General or special education personnel who implement time-out based on requirements in a students' IEP** Training in compliance with professional learning statute TAC, §89.1053 (h)	Annual training dates will be determined by the Special Education and Student Services Departments	Training must occur within 30 school days of being assigned the responsibility of implementing time-out
Teacher Mathematics Achievement Academy	**Audience: Classroom teacher that provides instruction in mathematics to students in kindergarten through third grade and each principal, assistant principal, mathematics instructional coach and mathematics interventionist at a campus with one of those grade levels**		Each school district and open-enrollment charter school shall ensure that not later than **2031-2032 school year**, each Classroom teacher that provides instruction in mathematics to students in kindergarten through third grade and each principal, assistant principal, mathematics instructional coach and mathematics interventionist at a campus with one

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			of those grade levels

NEW HIRES (Instructional Roles)

Course/Training	Description/Audience	Training Link/Location	Special Notes
AP 30-Hour Summer Institute (5 Days)	**AUDIENCE: AP Teachers**	College Board	Any teacher that is assigned to teach an AP course must complete the AP 5-day Summer Institute prior to 1st day of instruction.
Capturing Kids' Hearts - CKH 1 Training	**AUDIENCE: Elementary, Middle School, and Woodson Staff** Training in compliance with professional learning statute 21.451(d)(3)(B)(d-1)(1)(A), 38.351, and 21.451(d-1)(2)	Annual training provided during summer inservice and Teacher Onboarding program.	All elementary and middle school staff must complete the 2 days of CKH 1 Training.
Classroom Management (CHAMPS Training)	**AUDIENCE: New employees receiving a school district teaching permit** Training in compliance with professional learning statute TEC, §21.055(b),(d-1)	Check In Onboarding Program Job embedded training provided annually through scheduled inservice.	
CTE Work-based Learning Course	**AUDIENCE:** - **Career Prep** - ***Any* CTE Practicum teacher** In this professional development course, teachers will	CTE Work-Based Learning Course	This course takes approximately 8 hours to complete.

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	learn what authentic work-based learning (WBL) is and how to ensure students learn the skills and knowledge appropriate for their career pathway in a safe and appropriate environment through collaborative partnerships with local employers. This course introduces basic laws, rules, and procedures relevant to teaching career and technical education (CTE) courses that involve WBL at the secondary school level in Texas.		
Digital Instruction	**AUDIENCE: All new teachers** Topics include but are not limited to Learning Management System (Google Classroom, Edgenuity); Frontline Gradebook (Setup, Progress Reports Training, Report Card Training, End of Semester/End of Year Grading Procedures); Eduphoria: Aware, Forethought, and Strive; Classroom Technology Devices (ActivPanel, PC, Chromebook, iPad); Classlink; and SchoolStatus Connect	Check In Onboarding Program Online, self-paced course	
Emerging Bilinguals	**AUDIENCE: All new teachers** Training in compliance with Senate Bill 560	Check In Onboarding Program Job embedded training provided annually through scheduled inservice.	
Ethics Modules	**AUDIENCE: All new teachers** Training in compliance with Texas Education Code, §21.041(b)(8)	Check In Onboarding Program	
ESL Supplemental Certification	**AUDIENCE:** **- All ELA Teachers (K-12)** **- Special education teachers (except PALS and**	Training provided by AISD and/or TEA. Annual training or preparation dates will be	TExES ESL Exam #154 administered by Pearson.

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	ADAPT) Teachers must pass the ESL Supplemental exam. Teachers who have not passed the exam will have an ESL addendum added to their contract which will require them to successfully pass the exam by the date indicated on the addendum.	determined by the Curriculum & Instruction Department.	
G/T Training- Foundational 30 Hours (5 Days)	**AUDIENCE:** - **Teachers (K-12) who provide instruction and services to G/T students, including Honors (formerly PreAP)** - **Administrators who evaluate G/T staff** Must be completed within one semester. Must include the nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students.	Region 14 ESC - Online modules and in-person workshops offered annually	Per TEA Guidelines, any teacher who provides instruction and services designated as part of the district's G/T services, including elementary GT as well as Honors (formerly PreAP/AP), is required to receive a minimum of thirty (30) hours of professional learning (foundational training) PRIOR to providing G/T instruction. Honors (formerly PreAP/AP) teachers who have completed the 5-Day AP Summer Institute only need to complete Days 1 and 2 of the foundation training. Campus Administrators need to complete Day 1 of the foundational training.
Integrating Math into the CTE Classroom, Part 1 and Part 2	**AUDIENCE: Math teachers who teach a CTE course that meets graduation requirements** (Financial Math, Statistics and Business Decision Making, Accounting II, Robotics II, Anatomy & Physiology, Forensic Science, Medical Microbiology, Engineering Science)	TEA Learn: Introduction to Integrating Math into CTE Classrooms, Part 1 Introduction to Integrating Math into CTE Classrooms, Part 2	**Online Training Required** The TEA provides these courses on the TEA Learn at no cost to the educator. Sign up/Log in to save your progress. Upon completion of the course(s), send the certificate(s) as proof of documentation to the CTE office by interoffice mail (pony) or email them

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			to lucille.fullen@abileneisd.org and althea.luna@abileneisd.org. The math course have two parts and both parts are required.
Integrating Science into the CTE Classroom, Part 1 and Part 2	**AUDIENCE: Science teachers who teach a CTE course that meets graduation requirements** (Financial Math, Statistics and Business Decision Making, Accounting II, Robotics II, Anatomy & Physiology, Forensic Science, Medical Microbiology, Engineering Science)	TEA Learn: Introduction to Integrating Science into CTE Classrooms, Part 1 Introduction to Integrating Science into CTE Classrooms, Part 2	**Online Training Required** The TEA provides these courses on the TEA Learn at no cost to the educator. Sign up/Log in to save your progress. Upon completion of the course(s), send the certificate(s) as proof of documentation to the CTE office by interoffice mail (pony) or email them to lucille.fullen@abileneisd.org and althea.luna@abileneisd.org. The science course have two parts and both parts are required.
mCLASS	**AUDIENCE: Kinder, First, Second Grade Teachers** Per Education Commissioner, LEAs will utilize an assessment for K-2 for early reading readiness determining, to meet HB3 requirement for K-2 BOY/MOY/EOY screener, as well as Dyslexia screening for grades K-1 (mid-year for 1st and EOY Kinder).	Online mCLASS modules (Six 1-hour modules) Certificate at completion	Contact Mandi Joiner (mandi.joiner@abileneisd.org) for more information.
Reading Academy (Literacy Achievement Academies)	**AUDIENCE: Teachers who provide reading instruction to students in any grade level.** **- Teachers (K-3) (Exceptions: PE, Music, Art)** **- K-3 Reading Interventionists** **- K-3 Special Ed, includes PALS, Adapt, and TIP**	Training scheduled with AISD Reading Academy Cohort Leader	This will include in person training and coaching sessions. Contact Mandi Joiner (mandi.joiner@abileneisd.org) for

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	- Elementary Principals House Bill 3 (HB 3), passed by the 86th Texas Legislature in June of 2019, requires all kindergarten through third grade teachers and principals to attend a "teacher literacy achievement academy."		more information.
Science Safety Training	**AUDIENCE: All Science Teachers (K-12)**	Training provided by TEA through TEA Learn at https://register.tealearn.com/	**REQUIRED RENEWAL EVERY THREE YEARS** Teachers must provide proof of passing a science safety course for Elementary or Secondary Science. Upload your certificate to https://bit.ly/SciSafeTEA once complete.
Sheltered Instruction	**AUDIENCE: All new teachers** Training in compliance with Senate Bill 560	Check In Onboarding Program Job embedded training provided annually through scheduled inservice.	
T-TESS Orientation	**AUDIENCE: Teachers new to the district or teachers who have never been appraised under the T-TESS** Training in compliance with professional learning statute TAC, §150.1006	Campus-based	No later than the final day of the first three weeks of school and at least three weeks before the first observation.

Back to School 2025 - 2026

Revised July 9, 2025

DATE	DAY	TIME	LOCATION	DESCRIPTION	PARTICIPANTS	LEADER
July 21	Monday	8:00-5:00	Ad Building-Jefferson rm	Capturing Kids' Hearts Day 1	Elementary, Middle, and Woodson New Hires	Ross Thomas
July 22	Tuesday	8:00-5:00	Ad Building-Jefferson rm	Capturing Kids' Hearts Day 2	Elementary, Middle, and Woodson New Hires	Ross Thomas
July 23	Wednesday	8:00-5:00	Ad Building-Jefferson rm	Capturing Kids' Hearts Day 1	Elementary, Middle, and Woodson New Hires	Ross Thomas
July 24	Thursday	8:00-5:00	Ad Building-Jefferson rm	Capturing Kids' Hearts Day 2	Elementary, Middle, and Woodson New Hires	Ross Thomas
July 28	Monday	8:00-4:00	Convention Center	District-wide Enrollment	Designated Campus Staff	Alison Camp
		8:30-4:00	Hartford LRC	Instructional Coaching Training	Elementary Instructional Coaches, ESL Coaches, Instuctional Facilitators, Content Coordinators	Keri Thornburg
		8:30-12:00	Valley View	DC: Liaison Kick Off Meeting & Training	Campus Technology Liaisons	Brandon Carr
July 29	Tuesday	7:30-5:00	Hartford Learning Annex	Administrative Retreat, Day 1	Designated Administrators	Dr. John Kuhn
July 30	Wednesday	7:45-5:00	Hartford Learning Annex	Administrative Retreat, Day 2	Designated Administrators	Dr John Kuhn
July 31	Thursday	8:00-4:00	Craig Cafeteria	Safe & Civil Schools	Designated Administrators	Alison Camp
		8:30-4:00	Ad Building-Jefferson rm	NTO	All Teachers New to AISD	Ross Thomas
August 4th	Monday	8:00-4:00	Campuses	Campus and Department Kick-off Meetings	All Campus Faculty and Staff	Keri Thornburg Lyndsey Williamson
August 5	Tuesday	10:00-12:00 (doors open at 9:00)	Beltway Church	Abilene ISD Convocation (Please be seated by 9:45)	All District Employees	Dr. John Kuhn
August 5	Tuesday	1:00-4:00	Campuses	Campus Meetings	All Campus Faculty and Staff	Keri Thornburg Lyndsey Williamson
		1:00-4:00	Stafford	PLC and Collaborative Planning	K-5 Teachers, Intervention, Instructional Coaches, SISs, Campus Admin (Circle 1 - Stafford, Purcell, Martinez)	Content Coordinators
August 6 (Unassigned campus groups report to campus for principal directed activities)	Wednesday	8:00-4:00	Woodson	Agency and District Updates	Social Workers	Tina Fleet McGuire
		8:00-4:00	Hartford Annex	Safety Training/ Transportation Updates	Transportation	Tina Jones Zach Sneed
		8:00-4:00	ATEMS Cafeteria	Updates	CTE	Lucille Fullen
		8:00-4:00	Crockett	Nurses	Nurses	Angela Valentine
		8:00-4:00	Cooper High-Auditorium/Fine Arts Facilities	Updates/FA Specifc PD	Fine Arts	Clay Johnson Brady Sloane
		8:00-4:00	Dyess Cafeteria	Updates	Behavior Liaisons, CHAMPS Coaches, Behavior Coordinators	Bekah Sellers
		8:30-11:30	Taylor	PLC and Collaborative Planning	K-5 Teachers, Intervention, Inst. Coaches, SISs (Circle 2 - Bowie, Taylor, Ortiz)	Content Coordinators
		8:30-11:30	Mann	PLC and Collaborative Planning	6-8 RLA Teachers, Intervention Teachers (Mann, Craig)	Dr. Margaret Hope
		8:30-11:30	Region 14 - North	Curriculum Overview and Planning	6-8 Math (Academic, Honors)- all Middle Schools	Lyndsey Williamson
		8:30-11:30	Home Campus	Content Planning & Internalization	Middle School Teachers in Content Teams- Science, Social Studies	Content Coordinators
		8:30-11:30	Home Campus	Content Planning & Internalization	High School Teachers in Content Teams- Math, English, Science, Social Studies, LOTE	Content Coordinators

		8:00-12:00	Hartford Cafeteria	Updates/Procedures. Will release attendance clerks after their training, the rest will stay for the remainder of the time	Elementary Secretaries, MS Counselor Secretaries, HS Data Operators, HS Registrars, All Attendance Clerks	Gina Odom Denise Latham
		8:00-12:00	Frontier Texas Legecy RM	Updates	All Principals and Assistant Principals	Alison Camp
		8:00-12:00	Madison Gym	Physical Education - Secondary	Secondary PE Teachers	Jim Garfield Scott Stewart James Williamson
		8:00-12:00	CHS LRC and AV room	Begining of the Year Information	Counselors	Ginger Held
		8:00-11:30	Craig Cafeteria	Special Education	All Special Education Staff (Teachers, Paras, Assessment, VI, DHH, APE, SLP, LSSP, Dyslexia, SAP)	Dr. Stevanie Jackson
		10:00-11:30	Hartford LRC	Family/Parent Engagement Updates	Title I Family Liasions or person fulfilling the duties on campuses	Shannon Marshall
		10:00-11:30	Ad Building-Jefferson rm	HR FAQ & Confidentiality	New Hire-Teachers	Chris Bailey
		1:00- 3:00	Abilene High	Content Planning & Internalization	Algebra 1 Teachers - Middle and High School	Content Coordinators
		1:00 -4:00	Austin	PLC and Collaborative Planning	K-5 Teachers, Intervention, Inst. Coaches, SISs, Campus Adminisration (Circle 3 - Alcorta, Austin, Ward)	Content Coordinators
		1:00-4:00	Clack	PLC and Collaborative Planning	6-8 RLA Teachers, Intervention Teachers (Madison, Clack)	Dr. Margaret Hope
		1:00-2:30	Hartford Cafeteria	Safety Updates	Elementary Secretaries, MS Counselor Secretaries, HS Data Operators, HS Registrars, All Attendance Clerks	Tony Lassetter Erin Bennett
		2:30-4:00	Hartford Cafeteria	Safety Updates	Facilities and Custodial	Tony Lassetter Erin Bennett
		1:00-4:00	Bonham	Physical Education - Elementary	Elementary PE Teachers	Jim Garfield Jermiah Zonker
August 7	Thursday	8:30-11:30	Dyess	PLC and Collaborative Planning	K-5 Teachers, Intervention, Inst. Coaches, SISs, Campus Administrators (Circle 4 - Dyess, Bonham, Bassetti)	Content Coordinators
		8:00-4:00	Hartford Annex	Safety Training/ Transportation Updates	Transportation	Tina Jones Zach Sneed
		8:00-4:00	Campuses	Campus Trainings/Work Days	All Campus Faculty and Staff	Keri Thornburg Lyndsey Williamson
August 8	Friday	8:00-4:00	Campuses	Campus Trainings/Work Days	All Campus Faculty and Staff	Keri Thornburg Lyndsey Williamson
August 11	Monday	8:00-4:00	Campuses	Campus Work Day	All Campus Faculty and Staff	Keri Thornburg Lyndsey Williamson
August 12	Tuesday	First Day of Instruction				

ABILENE ISD

2025 Administrator Retreat

Tuesday, July 29, 2025

Hartford Center
(Formerly Reagan ES)
5340 Hartford St.

Audience: Principals, Assistant Principals, Executive Directors, Department Directors, Associate Superintendents

Welcoming Back Leaders | Inspiration for the Year Ahead

AGENDA

7:30-7:55 AM

BREAKFAST & NETWORKING

Catered by AISD Student Nutrition

Grab a plate and take your seat–we'll be diving in while we dine!

7:55-8:00 AM

WELCOME

Superintendent Dr. John Kuhn

8:00-8:45 AM

10 THINGS TO COVER IN STAFF PD

Presented by: Alison Sims (AISD Associate Superintendent for Human Resources & Development) & Chris Bailey (AISD Executive Director of Human Resources)

Key topics, tips, and tools to ensure your professional development hits the mark and motivates your team.

8:50-9:35 AM

SAFETY & SECURITY UPDATE

Presented by: Tony Lassetter (AISD Director of School Safety & Security

Important updates on protocols, systems, and best practices to keep our schools safe and secure for every learner and staff member.

9:40-10:25 AM

LEGISLATIVE UPDATE

Presented by: Dr. Joe Waldron (Deputy Superintendent)

A clear, concise overview of recent legislative changes and their implications for campus and district-level leadership.

AGENDA

10:30-10:45 AM

BREAK

10:45-11:15 AM

GRIEF-SENSITIVE SCHOOLS INITIATIVE

Presented by: Abilene Education Foundation

The Grief-Sensitive Schools Initiative (GSSI) is part of New York Life's nationwide effort to better equip educators and other school personnel to care for grieving students.

11:20 AM-12:05 PM

TRAUMA-INFORMED DISCIPLINE

Presented by: Jessica Siegfried, LPC (Betty Hardwick Center)

Compassionate, research-based approaches to discipline that meet students' emotional needs while keeping learning on track.

12:05-1:35 PM

LUNCH ON YOUR OWN

Take a break, recharge, and enjoy a meal before our afternoon sessions.

1:40-2:00 PM

INVITED PRESENTATION

Presented by: Chris Daughtery (From Boys to Gentlemen/Queens Take Your Crowns)

Presentation from an AISD dad.

2:00-3:30 PM

INSPIRATIONAL REMARKS

Presented by: Damon West (Professional Speaker & Author)

A powerful, motivational close to the day—renewing your energy and reminding us why we lead. Prepare to be inspired!

3:30 PM

CLOSING REMARKS

Presented by: Superintendent Dr. John Kuhn

ABILENE ISD

2025 Administrator Retreat

DAY 2

AGENDA

8:00-8:30 AM — **WELCOME & CELEBRATIONS**

8:30-10:30 AM — **ACCOUNTABILITY UPDATE & CAMPUS IMPROVEMENT PLANS**

Presented by: Kriste O'Dell

10:30-10:45 AM — **BREAK**

10:45-11:30 AM — **PLC PLAN**

Presented by: Keri Thornburg, Executive Director of Elementary Education & Lyndsey Williamson, Executive Director of Secondary Education

11:30 AM-1:00 PM — **LUNCH ON YOUR OWN**

1:00-2:00 PM — **DEPARTMENT & PROGRAM UPDATES**

Special Education and Innovation

2:00-2:15 PM — **BREAK**

2:15-3:45 PM — **TEAM TIME**

Principals, IC/Content Coordinators, and IF/Coordinators Team Time

Clearinghouse

Continuing Education and Training Clearinghouse Purpose: The Clearinghouse includes best practices and industry recommendations for the frequency for training of educators and other school personnel.

Professional Development Best Practices: Effective Schools Framework

Topics Outlined in SB 1267	Statutory Provisions	Required Trainings with Embedded Best Practices	Required Personnel	Recommended Frequency
1. Suicide Prevention	• 21.451(d)(3)(A) and (d-1)(1)(A) for the frequency and population, and (d-2) for the program/content • 21.451(d-1)(1)(B) and 38.351 states that training programs are to be developed by the agency in coordination with the Health and Human Services Commission and Education Service Centers • 38.351(h) states school districts to provide suicide prevention training (minus elementary campuses if sufficient funding not available) • 21.451(d-1)(2) states that the training may include two or more topics listed together	Suicide Prevention, Intervention and Postvention	School counselors, teachers, nurses, administrators, and other staff as well as law enforcement officers and social workers who regularly interact with students.	• **Job embedded or as part of a professional learning community** ***OR*** • ***Annually**
2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution	• 21.451(d)(3)(B) and (d-1)(1)(A) for the frequency and population and (B) for the program/content • 38.351 states that training programs are to be developed by the agency in coordination with	Building Skills Related to Managing Emotions, Establishing and Maintaining	Teachers, school counselors, principals, and all other appropriate personnel.	• **Job embedded or as part of a professional learning community** ***OR***

Topics Outlined in SB 1267	Statutory Provisions	Required Trainings with Embedded Best Practices	Required Personnel	Recommended Frequency
	the Health and Human Services Commission and Education Service Centers • 21.451(d-1)(2) states that the training may include two or more topics listed together	Positive Relationships, and Responsible Decision-Making		• ***Annually**
3. Preventing, identifying, responding to, and reporting incidents of bullying	• 21.451(d)(3)(C) and (d-1)(1)(A) for the frequency and population and (B) for the program/content • 38.351 states that training programs are to be developed by the agency in coordination with the Health and Human Services Commission and Education Service Centers • 21.451(d-1)(2) states that the training may include two or more topics listed together	Positive Youth Development Bullying and Cyberbullying	Teachers, school counselors, principals, and all other appropriate personnel.	• **Job embedded or as part of a professional learning community** ***OR*** • ***Annually**
4. Safety training program	• 33.202(b) for the frequency and population and (c) for the certification of participants and the content. • (a) requires the UIL to develop the program	UIL Safety Training	Coaches, trainers, sponsors for an extracurricular activity, director responsible for school marching band.	• **Job embedded or as part of a professional learning community** ***OR*** • ***Annually**
5. Increasing awareness of issues regarding sexual abuse, sex trafficking, and other	• 38.0041(c)(1)(A) for the frequency and (B) population. (2) for the program/content • 38.0041(a) requires each district and charter school to adopt a	Human Trafficking	All employees **Part of new employee orientation.**	• **Job embedded or as part of a professional learning community**

Topics Outlined in SB 1267	Statutory Provisions	Required Trainings with Embedded Best Practices	Required Personnel	Recommended Frequency
maltreatment of children	policy **to** be included in the district improvement plan and (b)(1) requires that policy to include methods using resources developed by the agency under 38.004. • 38.004 states that the agency shall develop and update a child abuse training program.			***OR*** • ***Annually**
6. Increasing awareness and implementation of trauma-informed care	• 38.036(c)(1)(B) and (C) for frequency, and 38.036(d) for population • 38.036(c)(1) and 38.351 state that training programs are to be developed by the agency in coordination with the Health and Human Services Commission and Education Service Centers	**Grief Informed and Trauma Informed Training**	All staff in the school district. **Part of new employee orientation.**	• **Job embedded or as part of a professional learning community** ***OR*** • ***Annually**
7. Administration of an epinephrine auto-injector	• 38.210(b)(1) and (2) for program content and format and (3) for frequency. • states that if a district or charter school or private school adopts a policy under 38.208(a), they are responsible for the training, and points to (c) which states that the Health and Human Services Commission, with advice from the Texas Dept of State Health Services appointed committee in	**Epinephrine Auto-Injector Training**	School personnel and volunteers who are authorized and trained.	• **Job embedded or as part of a professional learning community** ***OR*** • ***Annually**

Topics Outlined in SB 1267	Statutory Provisions	Required Trainings with Embedded Best Practices	Required Personnel	Recommended Frequency
	38.207 (38.202 role and composition of the committee) which states that they advise on the training required, must develop rules regarding maintenance and administration of epinephrine injectors, and that the rules must state the amount of training required for school personnel.			

Clearinghouse section:
Texas Constitution and Statutes: For the complete language of the statutory provisions listed above, see Texas Constitutions and Statutes.

Additional Resources: TASB School District Training Chart, Texas School Mental Health Toolkit, Texas Model for Comprehensive School Counseling, 5th edition, Criteria for Success in Job Embedded Professional Development.

Continuing Professional Education Requirements: Continuing Professional Education Information

*Although several organizations recommended annual training in this topic, they did not submit research or supporting evidence supporting the recommendation.

Abilene Independent School District Board Document - Agenda Item XX.XX

Meeting Date: September 8, 2025 Meeting Type: Regular Board Meeting

Item Type: Consent Agenda Future Action Required: Yes If Yes, Month: September

Subject: TASB Local Policy Update 125

Background Information**:**
Update 125 contains local policies that require board action and adoption based on the district's final recommendations. This update includes local policy addressing Board officers and committees, practices involving the awarding of academic credit, attendance committees, health and wellness requirements, and school transfers. Additionally, update 125 includes revisions to many legal policies based on updates made in the legislative session.

Attached Supporting Documents:

- Annotated LEGAL Policies
- Annotated LOCAL Policies

ABILENEISD
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Fiscal Implications:
None

Administrative Recommendation:
Board approval of Update 125 as presented.

Contact Person: Alison Sims

Board Officers

The Board shall elect a President, a Vice President, and a Secretary~~, and an Assistant Secretary, who shall be members of the Board. The Board shall appoint a Board clerk, who may be a District employee, to provide clerical assistance to the Board.~~ Officers shall be members of the Board and elected by majority vote of the members present and voting.

Vacancy

A vacancy among officers of the Board shall be filled by majority action of the Board.

Term and Duties

Board officers shall serve for a term of ~~two years~~two years or until a successor is elected. Officers may succeed themselves in office. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.

President

In addition to the duties required by law, the President of the Board shall:

1. Assist the Superintendent in the preparation of the agenda for Board meetings.
2. Preside at all Board meetings unless unable to attend.
3. Have the right to discuss, make motions ~~and~~, propose resolutions, and vote on all matters coming before the Board.
4. Sign all legal documents, warrants, vouchers, and reports, as required by statute, state or federal regulations, or Board policy.
5. Decide all questions of order in accordance with *Robert's Rules of Order, Newly Revised*, as modified by Board policy.
6. Perform all customary duties of the office and other duties as may be required by law or action of the Board.

Vice President

The Vice President of the Board shall:

1. Act in the capacity and perform the duties of the President of the Board in the event of the absence or incapacity of the President.
2. Become President only upon being elected to the position.

Secretary

The Secretary of the Board shall:

1. Ensure that an accurate record is kept of the proceedings of each Board meeting.
2. Ensure that notices of Board meetings are posted and sent as required by law.

3. In the absence of the President and Vice President, call the meeting to order and act as presiding officer.

4. Sign or countersign documents as directed by action of the Board.

~~Assistant Secretary~~ ~~The Assistant Secretary of the Board shall:~~

~~1. In the absence of the Secretary, perform the duties of the Secretary.~~

~~2.~~5. ~~Perform other duties as assigned by action of the Board.~~

~~Special Committees~~

~~The President shall appoint members to special~~***Note***: For advisory committees ~~created by the Board to fulfill specific assignments, unless otherwise provided~~ that include staff, parents, community members, or students, see BDF.

Board Committees

For purposes of this policy, a Board committee is a committee composed only of current Board members.

Formation of a Board committee shall be by Board action. ~~These committees may include District personnel~~When establishing a Board committee, the Board action shall, at a minimum, specify the:

- Number of Board members on the committee;
- Process to appoint Board members to the committee;
- Term of committee membership; and ~~citizens. The function of committees~~
- Responsibilities of the committee.

A Board committee shall be fact-finding, deliberative, and advisory, ~~but not administrative. Special~~and shall make recommendations in the areas of their responsibility. Board committees shall report their findings and recommendations to the Board and shall ~~be dissolved upon completion of the assigned task or vote of the Board~~not assume administrative duties or responsibilities.

~~The President of the Board and the Superintendent shall be ex officio members of all Board committees, unless otherwise provided by Board action.~~

Transacting Business

~~Committees may transact business only within the specific authority granted~~Unless specified by the Board~~. To be binding, all such business~~, a Board committee shall not have final decision-making authority. Board committee recommendations must be reported to the Board at ~~the next~~a regular or special meeting ~~for approval and entry into the minutes as a public record.~~. The Board shall not accept a Board committee's recommendation without due consideration of the matter.

Dissolution

A Board committee shall be dissolved upon Board action.

Note: For committees composed only of current Board members, see BDB.

Advisory Committees

For purposes of this policy, an advisory committee is a committee composed primarily of District staff, parents, other community members, and/or students. An advisory committee may also include Board members in numbers less than a quorum of the Board.

Formation of an advisory committee shall be by Board action. When establishing an advisory committee, the Board action shall, at a minimum, specify the:

- Number of members on the committee;
- Process to appoint members to the committee;
- Term of committee membership; and
- Responsibilities of the committee.

An advisory committee shall be fact-finding, deliberative, and advisory and shall not assume administrative duties or responsibilities. Advisory committees shall report their findings and recommendations to the Board.

Transacting Business

An advisory committee may transact business only within the specific authority granted by the Board. To be binding, all such committee recommendations must be reported to the Board at a regular or special meeting for approval and entry into the minutes as a public record. The Board shall not accept an advisory committee's recommendation without due consideration of the matter.

Dissolution

An advisory committee shall be dissolved upon completion of the assigned task or Board action.

Certificate of Coursework Completion	The District shall not issue a certificate of coursework completion to a student who fails to meet all state and local requirements for graduation. [See EIF, FMH]
Partial Credit	When a student earns a passing grade in only half of a course and the ~~combined grade for~~average of both halves is lower than 70, the District shall award the student credit for the half with the passing grade.

Safe Schools Data

The Superintendent shall ensure that the District complies with Texas Education Agency (TEA) guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD]; and

2. Any student who becomes a victim of one of the following violent criminal offenses~~, as defined by the Penal Code,~~ while on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property:

   a. Attempted murder;

   b. Indecency with a child;

   c. Aggravated kidnapping;

   d. Aggravated assault on someone other than a District employee or volunteer;

   e. Sexual assault or aggravated sexual assault against someone other than a District employee or volunteer;

   f. Aggravated robbery; ~~or~~

   g. Continuous sexual abuse of a young child or disabled individual; or

   ~~g.~~h. Bullying.

School Safety Transfers

The parent of a student who becomes a victim of a violent criminal offense as described in the state guidance for unsafe school choice options or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the District.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

From a Persistently Dangerous School

The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent an application for transfer. The Superintendent shall complete the transfer prior to the

beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

For a Victim of a Violent Criminal Offense

Within 14 calendar days after a violent criminal offense described above occurs in or on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property, the District shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent an application for transfer. The Superintendent shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

Additional Transfer Options

In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus.

[For other transfer provisions, see also FDA and FDB.]

~~This policy shall apply to a student who has not been in attendance for 90 percent of the days the class is offered.~~

Absences Considered

Except as otherwise provided by law, all absences incurred while enrolled in the District shall be considered in determining whether a student has ~~attended~~ been in attendance for 90 percent of the ~~required percentage of~~ days ~~under this policy~~the class is offered.

Attendance Committees

The Board ~~shall establish~~ authorizes the establishment of an attendance committee or as many attendance committees as necessary for efficient implementation of ~~Education Code 25.092~~state law.

The Superintendent ~~shall~~is authorized to make the specific appointments in accordance with legal requirements.

Parental Notice of Excessive Absences

A student and the student's parent or guardian shall be given written notice prior to and at such time when a student's attendance in any class drops below 90 percent of the days the class is offered.

Methods for Regaining Credit or Awarding a Final Grade

When a student's attendance drops below 90 percent but remains at least at 75 percent of the days the class is offered, the student may earn credit for the class or a final grade by completing a plan approved by the principal. This plan must provide for the student to meet the instructional requirements of the class as determined by the principal.

If the student fails to successfully complete the plan, or when a student's attendance drops below 75 percent of the days the class is offered, the student, parent, or representative may request award of credit or a final grade by submitting a written petition to the appropriate attendance committee.

~~Petitions~~A petition for credit or a final grade may be filed ~~at any time the student receives notice but, in any event, no later than 30 days after the last day of classes.~~

in accordance with administrative regulations. The attendance committee shall review the student's entire attendance record and the reasons for absences and shall determine whether to award credit or a final grade. ~~The~~[See Imposing Conditions for Awarding Credit or a Final Grade, below]

Regardless of whether a petition is filed, the attendance committee may also~~, whether a petition is filed or not,~~ review the records of all students whose attendance drops below 90 percent of the days the class is offered.

A student who has lost credit or has not received a final grade because of excessive absences may regain credit or be awarded a final grade by fulfilling the requirements established by the attendance committee.

Personal Illness

The principal or attendance committee may require verification from a health-care provider in accordance with administrative regulations as a condition of classifying an absence for personal illness as one for which there are extenuating circumstances.

Best Interest Standard

In reaching consensus regarding a student's absences and how the student can be awarded credit or a final grade, the attendance committee shall attempt to ensure that its decision is in the best interest of the student. The Superintendent shall develop administrative regulations to document the attendance committee's decision.

Guidelines on Extenuating Circumstances

The attendance committee shall consider whether a student has mastered the essential knowledge and skills and maintained passing grades in the course or subject.

When makeup work is completed satisfactorily, the attendance committee shall consider extracurricular absences and other excused absences as days of attendance for award of credit or a final grade. [See FEA]

The attendance committee shall consider whether the reasons for the absences were out of the parent's or student's control and whether documentation for the absence is acceptable.

The student or parent shall be given an opportunity to present any information to the committee about the absences and to discuss ways to earn or regain credit or be awarded a final grade.

Imposing Conditions for Awarding Credit or a Final Grade

The attendance committee or principal, as applicable, is not required to assign a student to attend a specified program for an amount of time equivalent to the student's absences (i.e., "seat time").

The attendance committee or principal, as applicable, shall consider the student's unique circumstances and, if necessary, shall impose other conditions for awarding credit or a final grade that permit the student to meet the instructional requirements of the class ~~rather than assigning a student to attend a specified program for an amount of time equivalent to the student's absences.~~. Conditions may include:

1. Maintaining attendance standards for the rest of the semester.
2. Completing additional assignments, as specified by the committee or teacher.

3. Attending tutorial sessions as scheduled.
4. Completing other instructional programs, as specified by the committee.
5. Taking an examination to earn credit. [See EHDB]

In all cases, the student must earn a passing grade in order to receive credit.

Appeal Process

A parent or student may appeal the decision of the attendance committee in accordance with FNG(LOCAL).

ANNOTATED

Summary of Local Policy Recommendations

Update 125 includes the following local policy recommendations:

Local Policy	What Changed	Why it Changed
BDAA: Officers and Officials, Duties and Requirements of Board Officers	Revisions are recommended to this local policy on board officer duties and requirements. At Board Officers, the sentence indicating that the board may assign a district employee to provide clerical assistance is recommended for deletion since the superintendent, rather than the board, manages staff assignments, including providing support to the board. Under Terms and Duties — Vice President, the revised language clarifies who becomes president if there is a vacancy in that office and for how long.	Align with district practices and clarity
BDB: Board Internal Organization, Board Committees	This policy has been revised in coordination with policy BDF(LOCAL) to clarify the difference between board committees and advisory committees. Accordingly, the subtopic name of this code has been changed from Internal Committees to Board Committees, and new provisions are recommended to establish how board committees are formed and outline their purpose. Text addressing dissolution of board committees is also recommended for inclusion. The language previously at Special Committees has been moved to BDF(LOCAL).	Clarity
BDF: Board Internal Organization, Advisory Committees	This new local policy is recommended for inclusion to coordinate with the changes at BDB. The subtopic name of this code has been changed from Citizen Advisory Committees to Advisory Committees. Language has been moved here from BDB(LOCAL) and updated to clarify how advisory committees are formed and the parameters of their responsibilities. A section on Dissolution of the committees is also recommended for inclusion.	Clarity

Local Policy	What Changed	Why it Changed
EI: Academic Achievement	At Partial Credit, recommended revisions replace the phrase "combined grade for" with "average of" to more accurately reflect the determination of awarding credit when a student earns a passing grade in only half of a course.	Revised to be more accurate
FDE: Admissions, School Safety Transfers	At Safe Schools Data, “bullying” is recommended for inclusion as a transfer reason to align with the Unsafe School Choice Option Guidance Handbook.	Align with regulatory documents
FEC: Attendance, Attendance for Credit	Revisions throughout this policy are recommended for clarity. The information in the first sentence of the policy has been incorporated at Absences Considered for improved readability. Rather than directing the board to establish attendance committees, the policy now authorizes the establishment of those committees by the administration. At Methods for Regaining Credit or Awarding a Final Grade, specifics regarding petitions for credit are recommended for deletion in favor of a reference to administrative regulations. Revisions at Imposing Conditions for Awarding Credit or a Final Grade are recommended to clarify requirements regarding "seat time." For more information, see the TASB.org article TEKS Mastery, Not Seat Time, Required for Attendance for Credit.	Clarity
FFAC: Wellness and Health Services, Medical Treatment	Revisions to 25 Administrative Code 40.44, including a requirement for written notification to parents after administration of unassigned respiratory distress medication, prompted recommended revisions to this code.	Rule change

Annotated Legal Framework

The following documents in this annotated packet show the changes to the legal framework in Update 125. Revisions to legal framework documents are further described in the Update 125 Explanatory Notes included with the localized update materials.

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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.

Accreditation

Each district must be accredited by Texas Education Agency (TEA). A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. *Education Code 11.001, 39.052(f)*

District accreditation is determined in accordance with Education Code Chapter 39, Subchapter C and rules adopted by the commissioner of education at 19 Administrative Code, Chapter 97, Subchapter EE (Accreditation Status, Standards, and Sanctions). *Education Code 39.051*

Statuses

The commissioner shall determine criteria for the following accreditation statuses:

1. Accredited. Accredited means TEA recognizes the district as a public school of this state that meets the standards determined by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1059; and is not currently assigned an accreditation status of Accredited-Warned or Accredited-Probation;

2. Accredited-Warned. Accredited-Warned means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(b), that, if not addressed, will lead to probation or revocation of its accreditation status;

3. Accredited-Probation. Accredited-Probation means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(c), that must be addressed to avoid revocation of its accreditation status; and

4. Not Accredited-Revoked. Not Accredited-Revoked means TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1055(d).

Education Code 39.051; 19 TAC 97.1055(a)(1)

Annual Evaluation

Each year, the commissioner shall determine the accreditation status of each district. In determining the accreditation status of a district, the commissioner:

1. Shall evaluate and consider performance:

   a. On achievement indicators under Education Code 39.053 [see Performance Indicators, below]; and

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b. Under the financial accountability rating system developed under Education Code, Chapter 39, Subchapter D [see CFA].

2. May evaluate and consider:

a. The district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education that relate to:

(1) Reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;

(2) High school graduation requirements; or

(3) Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs;

b. The effectiveness of the district's programs for special populations; and

c. The effectiveness of the district's career and technology program.

Based on a district's performance, the commissioner shall assign each district an accreditation status or revoke the accreditation of the district and order closure of the district.

A district's accreditation status may be raised or lowered based on the district's performance or may be lowered based on the performance of one or more campuses in the district that is below a standard required by Education Code Chapter 39, Subchapter C.

Education Code 7.056(e)(3)(C)-(I), 39.052; 19 TAC 97.1055

For additional information on the commissioner process for assigning accreditation status, see 19 Administrative Code 97.1055.

Notice of Status

The commissioner shall notify a district if the district has received an accreditation status of accredited-warned or accredited-probation, or a campus's performance is below standard. *Education Code 39.052(e)*

To Parents and Property Owners

A district assigned an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked shall notify the parents of students enrolled in the district and property owners in the district as specified in 19 Administrative Code 97.1055. The district's notice must contain information about the accreditation sta-

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tus, the implications of such status, and the steps the district is taking to address the areas of deficiency identified by the commissioner. The district's notice shall use the format and language determined by the commissioner.

The district's notice must:

1. Not later than 30 calendar days after the accreditation status is assigned, appear on the home page of the district's website, with a link to the required notification, and remain until the district is assigned the accredited status; and

2. Appear in a newspaper of general circulation, as defined in 19 Administrative Code 97.1051 (Definitions), in the district for three consecutive days as follows:

   a. From Sunday through Tuesday of the second week following assignment of the status; or

   b. If the newspaper is not published from Sunday through Tuesday, then for three consecutive issues of the newspaper beginning the second week following assignment of the status; or

3. Not later than 30 calendar days after the status is assigned, be sent by first class mail addressed individually to each parent of a student enrolled in the district and each property owner in the district; or

4. Not later than 30 calendar days after the status is assigned, be presented as a discussion item in a public meeting of the board of trustees conducted at a time and location that allows parents of students enrolled in the district and property owners in the district to attend and provide public comment.

To TEA

A district required to act under this subsection shall send the following to TEA via certified mail, return receipt requested:

1. The universal resource locator (URL) for the link to the notification required above; and

2. Copies of the notice in the newspaper showing dates of publication, or a paid invoice showing the notice content and its dates of publication; or

3. Copies of the notice sent by mail and copies of all mailing lists and postage receipts; or

4. Copies of the notice presented at a public meeting and copies of the board of trustees meeting notice and minutes for the

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board meeting in which the notice was presented and publicly discussed.

19 TAC 97.1055(f)

Performance Indicators

The commissioner shall adopt a set of indicators of the quality of learning and achievement, including three domains of achievement indicators. [See Achievement Indicators, below] *Education Code 39.053(a)*

The indicators must measure and evaluate districts and campuses with respect to:

1. Improving student preparedness for success in subsequent grade levels and entering the workforce, the military, or post-secondary education;
2. Reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and
3. Informing parents and the community regarding campus and district performance.

Education Code 39.053(a-1)

Achievement Indicators

Districts and campuses must be evaluated based on indicators of achievement grouped in three domains:

1. Student achievement domain;
2. School progress domain; and
3. Closing the gaps domain.

Education Code 39.053(c)

Performance on the achievement indicators in the three domains shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status. *Education Code 39.053(b)*

Each school district shall submit the data required for the indicators to the commissioner. *Education Code 39.053(i)*

A-F Performance Ratings

Except when the commissioner determines the assignment of an overall performance rating would be inappropriate [see Assignment of Not Rated, below], the commissioner shall adopt rules to evaluate district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F.

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In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain performance rating of A, B, C, D, or F for each domain under Education Code 39.053(c) [see Achievement Indicators, above].

An overall or domain performance rating of:

1. A reflects exemplary performance.
2. B reflects recognized performance.
3. C reflects acceptable performance.
4. D reflects performance that needs improvement.
5. F reflects unacceptable performance.

A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F.

For purposes of assigning districts and campuses an overall and a domain performance rating, the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

Not later than August 15 of each year, the following information shall be made publicly available as provided by rules adopted by the commissioner:

1. The performance ratings for each district and campus; and
2. If applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

Education Code 39.054(a), (a-3), (b)

Assignment of Not Rated

Notwithstanding any other law, the commissioner may assign a district or campus an overall performance rating of “Not Rated” if the commissioner determines that the assignment of a performance rating of A, B, C, D, or F would be inappropriate because:

1. The district or campus is located in an area that is subject to a declaration of a state of disaster under Government Code Chapter 418 and due to the disaster, performance indicators for the district or campus are difficult to measure or evaluate and would not accurately reflect quality of learning and achievement for the district or campus;

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2. The district or campus has experienced breaches or other failures in data integrity to the extent that accurate analysis of data regarding performance indicators is not possible;

3. The number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus; or

4. For other reasons outside the control of the district or campus, the performance indicators would not accurately reflect quality of learning and achievement for the district or campus.

Education Code 39.054(a-4)

Calculating Consecutive Years

Notwithstanding any other law, an overall performance rating of "Not Rated" is not included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings for purposes of any provision of the Education Code. *Education Code 39.054(a-5)*

Acceptable Performance

A reference in law to an acceptable performance rating or acceptable performance includes an overall or domain performance rating of A, B, or C or performance that is exemplary, recognized, or acceptable. A reference in law to an unacceptable performance rating or unacceptable performance includes an overall or domain performance rating of F. For the purposes of public reporting requirements, an overall or domain performance rating of D shall be referred to as performance that needs improvement. *Education Code 39.0543(a)*

D Rating

A reference in law to an acceptable performance rating or acceptable performance for a district or campus includes an overall performance rating of D if, since previously receiving an overall performance rating of C or higher, the district or campus has not previously received more than one overall performance rating of D or has not received an overall performance rating of F. *Education Code 39.0543(b)*

Local Accountability System

The local accountability system standards established by the commissioner under Education Code 39.0544 shall be used by districts to develop a plan to locally evaluate the performance of their campuses. *19 TAC 97.1003(a)*

Local Accountability Plan

A local accountability plan created by a district must include domain performance ratings assigned by the commissioner under Education Code 39.054, and performance ratings based on locally developed domains or sets of accountability measures. *19 TAC 97.1003(b)*

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A district must create its local accountability plan based on school type. The four school types are elementary school, middle school, high school, and kindergarten-grade 12. The plan must include all campuses within a school type. The district may also request to identify an additional school group within a school type for which to customize its local accountability plan. Otherwise, all campuses within a school type must be evaluated on a common set of components determined by the district. A district may also request to identify a campus rated under alternative education accountability provisions as a unique school type. *19 TAC 97.1003(b)(4)*

Plan Components

A locally developed domain or set of accountability measures is referred to as a plan component. Plan components must describe each item and the reason for its inclusion in the plan. A district must assign each component to one of the following five domains: academics, culture and climate, extra- and co-curricular, future-ready learning, and locally determined. The weight of all plan components must equal 100 percent. *19 TAC 97.1003(b)(1)*

A district may assign weights to each plan component, as determined by the district, provided that the plan components must in the aggregate account for no more than 50 percent of the combined overall performance rating. A local accountability plan may include no fewer than two and no more than 10 components weighted between 5 percent and 60 percent. *19 TAC 97.1003(c)*

Each plan component must contain levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels that are aligned to a letter grade of A, B, C, D, or F and meet the requirements of 19 Administrative Code 97.1003(d)(1)-(3). *19 TAC 97.1003(d)*

Each plan component measure must meet standards for reliability and validity as required by 19 Administrative Code 97.1003(e)(1)-(3). *19 TAC 97.1003(e)*

Campuses without STAAR or State Ratings

For the purposes of assigning state accountability ratings, a campus that does not serve any grade level for which a State of Texas Assessments of Academic Readiness (STAAR) examination is administered is paired with a campus in its district that serves grade levels for which STAAR examinations are administered.

A campus not rated under the state accountability system is not eligible to combine state and local ratings. Local accountability data for a campus without state ratings may be displayed on TEA, district, and campus websites but will not be combined with state accountability data. The state accountability manual adopted under 19 Administrative Code 97.1001 (Accountability Rating System)

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provides information about campus ratings and eligibility for applicable years.

19 TAC 97.1003(b)(3)

Campus Performance Ratings

A district authorized to assign campus performance ratings shall evaluate the performance of each campus and assign each campus a performance rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district shall:

1. Report the performance ratings to the agency; and
2. Make the performance ratings available to the public as provided by commissioner rule.

Education Code 39.0544(e)

Each campus with an approved district plan is eligible to receive a local accountability rating. A campus with an overall state accountability rating of C or higher based on ratings derived from student performance at the campus is eligible to combine an overall local accountability rating with the overall state accountability rating to determine the combined rating. *19 TAC 97.1003(b)(2); Education Code 39.054(a)*

Submission and Audit Standards

Calculations for each plan component and overall performance ratings must be capable of being audited by a third party.

A district must use a one-to-one correspondence when converting campus grades based on plan component measures to a standard scale of 30-100 where A=90-100, B=80-89, C=70-79, D=60-69, and F=30-59.

Categorical data, or data not on a continuous scale, must be converted to the standard scale of A=90-100, B=80-89, C=70-79, D=60-69, and F=30-59 by assigning the maximum value for each scaled score interval with the corresponding category used in the campus rating scale.

A district is required to submit a local accountability plan ~~component, domain~~that includes components, domains, and overall scaled scores and ratings to TEA on a timeline determined by the ~~first week of July of~~commissioner. The timeline will be published on the ~~applicable accountability year.~~ TEA website.

19 TAC 97.1003(f)(3)

All scaled scores and letter grades submitted by a school district are subject to audit. Any data discrepancies or any indication that

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data have been compromised may result in verification and audit of district and campus data used to assign local accountability ratings. The audit process may include requests for data used for campus-level calculation of component and domain scaled scores.

On an annual basis, TEA will randomly select districts for local accountability audits, and, for each such audit, TEA will randomly select components for review. Selected districts must submit the requested data for review within the timeframe specified. A district must maintain documentation of its local accountability plan, along with all associated data used to assign campus ratings, for two years after the end of the plan implementation period.

Responsibility for the accuracy and quality of data used to determine local accountability ratings rests with each district. Superintendent certification of data accuracy during the ratings submission process shall include an assurance that calculations have been verified to ensure that all data were included as appropriate for all components.

19 TAC 97.1003(f)(1)-(6)

Scorecard and Website

A district must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings. The campus scorecard shall include, at a minimum, the scaled score and rating for each component and domain along with the overall rating. A link to the local accountability ratings posted by the district must be provided to TEA and may be included on the agency-developed school report card. *19 TAC 97.1003(g)*

Appeal and Revision

An appeal of a local accountability rating may be submitted by the superintendent once ratings are released. The local accountability appeals timeline follows the appeal deadline dates and processes as described in the state accountability manual adopted under 19 Administrative Code 97.1001 of this title for the applicable year. *19 TAC 97.1003(f)(7)*

Ratings may be revised as a result of investigative activities by the commissioner as authorized under Education Code 39.057(d) and (e) (redesignated to Education Code 39.003). *19 TAC 97.1003(h)*

Distinction Designations for Outstanding Performance

The commissioner shall award distinction designations for outstanding performance. A distinction designation awarded to a district or campus shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the A-F performance ratings.

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A district or campus may not be awarded a distinction designation unless the district or campus has acceptable performance under the A-F performance ratings.

Education Code 39.201

Academic Distinction

The commissioner shall establish an academic distinction designation for districts and campuses for outstanding performance in attainment of postsecondary readiness based on the commissioner's adopted criteria. *Education Code 39.202*

Campus Distinction

The commissioner shall award a campus a distinction designation for outstanding performance in:

1. Improvement in student achievement;
2. Closing student achievement differentials; and
3. Academic achievement in English language arts, mathematics, science, or social studies.

Education Code 39.203

The commissioner may award a distinction designation for outstanding performance in advanced middle or junior high school student achievement. *Education Code 39.203(d)*

Excellence Exemptions

Except as listed below, a district or campus that is rated A (exemplary) is exempt from requirements and prohibitions imposed under the Education Code, including regulations adopted under the Education Code.

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;
2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
3. A requirement, restriction, or prohibition relating to:
    a. Curriculum essential knowledge and skills or high school graduation requirements;
    b. Public school accountability;
    c. Extracurricular activities;
    d. Health and safety;
    e. Purchasing;
    f. Elementary class size limits;

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g. Removal of a disruptive student from the classroom;

h. At-risk programs;

i. Prekindergarten programs;

j. Rights and benefits of school employees;

k. Special education programs; or

l. Bilingual education programs.

The commissioner may exempt an exemplary campus from class size limits if the campus submits a written plan showing steps that will be taken to ensure that the exemption will not be harmful to the academic achievement of the students on the school campus. If granted, the exemption remains in effect until the commissioner determines that achievement levels of the campus have declined.

Education Code 39.232

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Special Investigations

The commissioner may authorize a special investigation:

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

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

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

15. When 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Education Code 28.0258;

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

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

18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

TEA shall adopt written procedures for conducting special investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.004(a)*

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

Commissioner Action

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

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

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

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

Education Code 39.003(d)

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

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

Education Code 39.003(e)

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

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

Monitoring Reviews

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

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

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

Education Code 7.028

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation, implemented by TEA under 34 C.F.R. 300.600-.609 [see Supervision

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Under IDEA, below], 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 39.003 and 39.004.

Activities described above are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC], dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB], and program effectiveness for emergent bilingual students in Education Code 29.062.

19 TAC 97.1071(b)-(d)

Notice

TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. *Education Code 39.056(d)*

Conducting the Review

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. *Education Code 39.056(c), (g)*

Converting to a Special Investigation

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

Improvements

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

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Appeals

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

Compliance Investigation

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

Supervision Under IDEA

In exercising its general supervision authority under 34 C.F.R. sections 300.149 and 300.600, TEA has established a process that provides for the investigation and issuance of findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, or a state statute or administrative rule created to implement IDEA, that arise from an area of concern. The following guidelines shall apply to this process.

Definitions

"Area of concern" means that TEA has been made aware of an allegation regarding a violation of, or noncompliance with, a requirement of IDEA, Part B, or a state special education law or administrative rule.

"Credible allegation" means that TEA has determined that an allegation arising from an area of concern is credible enough to investigate further to determine if a violation or noncompliance has occurred.

Credibility Determination

Information and awareness of an area of concern may arise directly from TEA or from external sources.

TEA will engage in a process to determine if an area of concern is determined to be a credible allegation, and, if determined credible, TEA will initiate an investigation to determine if findings of noncompliance will be issued.

TEA will generally not engage in the process described below to determine if an area of concern is a credible allegation if it is a media report, social media post, or an anonymous report, unless TEA receives corroborating information and facts that a specific violation of state or federal law or rule has occurred if the allegation were to be confirmed true.

When an individual or organization reports a special education area of concern, TEA may direct the individual or organization to the established dispute resolution processes. Depending on the frequency or specificity of the type of allegation made, TEA may engage in a process to determine credibility of the allegation.

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Process

The process to determine if an area of concern is a credible allegation may include one or more of the following actions:

1. Reviewing existing citations of noncompliance or any noncompliance identified within the last two school years on the same or similar alleged violation;
2. Reviewing filed state complaints that are in process of being investigated or that have been substantiated within the last two school years on the same or similar alleged violation;
3. Reviewing due process hearing decisions issued within the last two years in which the hearing officer's final written decision contains a finding of noncompliance on the same or similar alleged violation;
4. Gathering evidence from groups that represent or advocate for families and communities served by the district;
5. Reviewing and analyzing available student- or district-level data that relate to the alleged violation;
6. Reviewing and analyzing fiscal and program information, such as grant applications, contracts, self-assessments, and other special education documents submitted to TEA by the district; and
7. Any other activity or measure used to gather evidence within TEA's general supervision and monitoring authority.

The investigation to determine if a credible allegation will result in the issuance of findings will include contacting the school district that is the subject of the allegation and requesting a response from the school district. Additional investigative actions may include one or more of the following:

1. Conducting interviews with the district, staff, parents, or students;
2. A referral for review or investigation by any other appropriate unit or division within TEA;
3. Utilizing the review and analysis of the activities conducted during the review process in this provision to determine if noncompliance is found; and
4. Any other activity or measure within TEA's general supervision and monitoring authority.

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Intervention and Sanction	TEA may apply any intervention or sanction within its authority if noncompliance or a violation is substantiated, including those described in 19 Administrative Code 89.1076 [see AIC]. *19 TAC ~~89~~97.1071(l)* **Updated cite.**

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SECTION B: LOCAL GOVERNANCE

BA	BOARD LEGAL STATUS
BAA	Powers and Duties
BB	BOARD MEMBERS
BBA	Eligibility/Qualifications
BBB	Elections
BBBA	Conducting Elections
BBBB	Post-election Procedures
BBBC	Campaign Finance
BBBD	Campaign Ethics
BBC	Vacancies and Removal from Office
BBD	Training and Orientation
BBE	Authority
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BBFB	Prohibited Practices
BBG	Compensation and Expenses
BBH	Conventions, Conferences, and Workshops
BBI	Technology Resources and Electronic Communications
BC	BOARD MEMBERSHIPS
BD	BOARD INTERNAL ORGANIZATION
BDA	Officers and Officials
BDAA	Duties and Requirements of Board Officers
BDAE	Duties and Requirements of Depository
BDB	~~Internal~~Board Committees
BDD	Attorney
BDE	Consultants
BDF	~~Citizen~~ Advisory Committees
BE	BOARD MEETINGS
BEC	Closed Meetings
BED	Public Participation
BEE	News Coverage
BEF	Staff Participation
BF	BOARD POLICIES
BG	BOARD SELF-EVALUATION
BI	ADMINISTRATIVE GOALS AND OBJECTIVES

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SECTION B: LOCAL GOVERNANCE

BJ	SUPERINTENDENT
BJA	Qualifications and Duties
BJB	Recruitment and Appointment
BJC	Contract
BJCA	Travel
BJCB	Professional Development
BJCC	Consulting
BJCD	Evaluation
BJCE	Suspension/Termination During Contract
BJCF	Nonrenewal
BJCG	Resignation
BK	ADMINISTRATIVE ORGANIZATION
BKA	Organization Charts
BKB	Line and Staff Relations
BM	ADMINISTRATIVE COUNCILS, CABINETS, AND COMMITTEES
BP	ADMINISTRATIVE REGULATIONS
BQ	PLANNING AND DECISION-MAKING PROCESS
BQA	District-Level
BQB	Campus-Level
BR	REPORTS

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Open Meetings Act Training

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its members under Government Code Chapter 551 (Open Meetings Act).

The attorney general may provide the training and may also approve other acceptable sources of training.

The board shall maintain and make available for public inspection the record of its members' completion of the training. The failure of one or more members of the board to complete the training does not affect the validity of an action taken by the board.

Gov't Code 551.005

Public Information Act Training

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its officers and employees under Government Code Chapter 552 (Public Information Act [PIA]). A board member may designate a public information coordinator to satisfy the training for the board member if the public information coordinator is primarily responsible for administering the responsibilities of the board member or board under the PIA. The attorney general may require a board member to complete the course of training if the attorney general determines that the district has failed to comply with a requirement of the PIA. *Gov't Code 552.012(b), (b-1), (c)* [See GBAA regarding public information coordinator training.]

SBOE-Required Training

A trustee must complete any training required by the State Board of Education (SBOE). *Education Code 11.159*

The SBOE's framework for governance leadership [see BBD(EXHIBIT)] shall be distributed annually by the board president to all current board members and the superintendent. *19 TAC 61.1(a)*

The continuing education required under Education Code 11.159 applies to each member of the board. To the extent possible, an entire board shall participate in continuing education programs together. *19 TAC 61.1(b), (i)*

No continuing education shall take place during a board meeting unless that meeting is called expressly for the delivery of board member continuing education. Continuing education may take place prior to or after a legally called board meeting in accordance with Government Code 551.001(4) (definition of "meeting"). *19 TAC 61.1(e)*

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A regional education service center (ESC) board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members. *19 TAC 61.1(f)*

Annually, the SBOE shall commend those board-superintendent teams that complete at least eight hours of the continuing education specified at Team Building and Additional Continuing Education, below, as an entire board-superintendent team.

Annually, the SBOE shall commend board-superintendent teams that effectively implement the commissioner of education's trustee improvement and evaluation tool developed under Education Code 11.182 [see BG] or any other tool approved by the commissioner.

19 TAC 61.1(k), (l)

Verification

For each training described below, the provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number. *19 TAC 61.1(h)*

Reporting

At the last regular board meeting before an election of trustees, the board president shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any board member under SBOE rule. The minutes of the last regular board meeting held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements. *19 TAC 61.1(j); Education Code 11.159(b)*

Local District Orientation

Each board member shall complete a local district orientation session. The purpose of the local orientation is to familiarize new

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board members with local board policies and procedures and district goals and priorities.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The orientation shall:

1. Be at least three hours in length.
2. Address local district practices in the following, in addition to topics chosen by the local district:
    a. Curriculum and instruction;
    b. Business and finance operations;
    c. District operations;
    d. Superintendent evaluation; and
    e. Board member roles and responsibilities.

Each board member should be made aware of the continuing education requirements of 19 Administrative Code 61.1 and those of the following:

1. Open meetings act in Government Code 551.005 [see Open Meetings Act Training above];
2. Public information act in Government Code 552.012 [see Public Information Act Training above]; and
3. Cybersecurity in Government Code 2054.5191 [see CQB].

The orientation shall be open to any board member who chooses to attend.

19 TAC 61.1(b)(1)

Education Code Orientation

Each board member shall complete a basic orientation to the Education Code and relevant legal obligations. The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

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The orientation shall be at least three hours in length. Topics shall include, but not be limited to, Education Code Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction).

The orientation shall:

1. Be provided by an ESC.

2. Be open to any board member who chooses to attend.

The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(2)

Legislative Update

After each session of the Texas Legislature, including each regular session and called session related to education, each board member shall complete an update to the basic orientation to the Education Code.

The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.

The update shall be provided by an ESC or a registered provider [see Registered Provider, below].

A board member who has attended an ESC basic orientation session described at Education Code Orientation, above, that incorporated the most recent legislative changes is not required to attend an update.

The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(3)

Team Building

The entire board shall participate with their superintendent in a team-building session.

The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.

The session shall be held annually and shall be at least three hours in length.

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The session shall include a review of the roles, rights, and responsibilities of the board as outlined in the framework for governance leadership. [See BBD(EXHIBIT)] The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the year for the governance leadership team.

The team-building session shall be provided by an ESC or a registered provider [see Registered Provider and Authorized Provider, below].

19 TAC 61.1(b)(4)

Additional Continuing Education (Based on Assessed Needs)

In addition to the continuing education requirements set out above, each board member shall complete additional continuing education based on the framework for governance leadership. [See BBD(EXHIBIT)]

The purpose of continuing education is to address the continuing education needs referenced at Team Building above.

The continuing education shall be completed annually.

At least 50 percent of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's school district. No more than one hour of the required continuing education that is delivered by the district may use self-instructional materials.

The continuing education shall be provided by an ESC or a registered provider [see Registered Provider, below].

The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

First Year

In a board member's first year of service, he or she shall complete at least 10 hours of continuing education in fulfillment of assessed needs.

Subsequent Years

Following a board member's first year of service, he or she shall complete at least five hours of continuing education annually in fulfillment of assessed needs.

Board President

A board president shall complete continuing education related to leadership duties of a board president as some portion of the annual requirement.

19 TAC 61.1(b)(5)

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Evaluating Student Academic Performance

Each board member shall complete continuing education on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness.

The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in Education Code 11.1515. [See BAA]

The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of Education Code 11.185 and 11.186.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The continuing education shall be completed every two years and shall be at least three hours in length.

The continuing education required by this provision shall include, at a minimum:

1. Instruction in school board behaviors correlated with improved student outcomes with emphasis on:
    a. Setting specific, quantifiable student outcome goals; and
    b. Adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under Education Code Chapter 39;
2. Instruction in progress monitoring practices to improve student outcomes; and
3. Instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under Education Code Chapter 39, and the state accountability system established under Chapter 39.

The continuing education shall be provided by an authorized provider [see Authorized Provider, below].

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If the training is attended by an entire board and its superintendent, includes a review of local school district data on student achievement, and otherwise meets the requirements described at Team Building above, the training may serve to meet a board member's obligation to complete training described at Team Building and at Evaluating Student Academic Performance, above, as long as the training complies with the Open Meetings Act.

19 TAC 61.1(b)(6)

Identifying and Reporting Abuse

Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with Education Code 11.159(c)(2).

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The training shall be completed every two years and shall be at least one hour in length.

The training must familiarize board members with the requirements of Education Code 38.004 and 38.0041, and 19 Administrative Code 61.1051 (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).

Note: 19 Administrative Code 61.1051 was repealed and the requirements were recodified at 19 Administrative Code 103.1401.

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19 TAC 61.1051

The training required by this provision shall include, at a minimum:

1. Instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;

2. Instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and

3. Instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.

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The training sessions shall be provided by a registered provider [see Registered Provider, below].

This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(7)

School Safety

The SBOE shall require a trustee to complete training on school safety. *Education Code 11.159(b-1)*

The continuing education required under Education Code 11.159(b-1) applies to each member of an independent school district board of trustees.

Each member shall complete the training on school safety adopted by the SBOE. The training requirement shall be fulfilled by completing the online course adopted by the SBOE and made available by the commissioner of education. The training shall be completed every two years.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed trustee who did not complete the training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

A district shall maintain verification of completion for each trustee.

19 TAC 61.3

Training Provider

Registered Provider

For the purposes of 19 Administrative Code 61.1, a registered provider has demonstrated proficiency in the content required for a specific training. A private or professional organization, school district, government agency, college/university, or private consultant shall register with the Texas Education Agency (TEA) to provide the board member continuing education required by 19 Administrative Code 61.1(b)(3), (5), and (7) [see Legislative Update, Additional Continuing Education, and Identifying and Reporting Abuse, above].

A district that provides continuing education exclusively for its own board members is not required to register under 19 Administrative Code 61.1(c)(1)-(2).

19 TAC 61.1(c)

Authorized Provider

An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required

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by 19 Administrative Code 61.1(b)(4) and (6). Proficiency may be demonstrated in accordance with 19 Administrative Code 61.1(d).

A private or professional organization, school district, government agency, college/university, or private consultant may be authorized by TEA to provide the board member training required in 19 Administrative Code 61.1(b)(4) and (6).

An ESC shall be authorized by TEA to provide the board member training required in 19 Administrative Code 61.1(b)(4) and (6).

19 TAC 61.1(d)

[See above for 19 Administrative Code 61.1(b)(4) on Team Building and (b)(6) on Evaluating Student Academic Performance.]

Note: For cybersecurity training requirements, see CQB(LEGAL).

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Subtopic name change due to adjustments to correlating local policies.

Government Code Chapter 551 (Open Meetings Act) applies to board committee meetings if:

1. At least a quorum of the board is on the committee;
2. A quorum of the board is present at the committee meeting, even though less than a quorum is actually on the committee; or
3. Less than a quorum of the board is on the committee, but the committee is authorized to make final decisions or control or supervise public business.

A committee that includes less than a quorum of board members is not subject to the Open Meetings Act if it serves a purely advisory function, with no power to supervise or control public business.

Atty. Gen. Op. Nos. GA-0957 (2012), JC-0060 (1999), JH-0994 (1977); Willmann v. City of San Antonio, 123 S.W.3d 469 (Tex. App.—San Antonio 2003, pet. denied) [See BE]

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Subtopic name change due to adjustments to correlating local policies.

School Health Advisory Council

The 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 EHAA regarding duties of the SHAC.]

Meetings

The SHAC shall meet at least four times each year. For each meeting the SHAC shall:

1. At least 72 hours before the meeting post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the district; and ensure that the required notice is posted on the district's internet website, if the district has an internet website;
2. Prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken by the council during the meeting;
3. Make an audio or video recording of the meeting; and
4. Not later than the tenth day after the meeting, submit the minutes and audio or video recording of the meeting to the district.

As soon as practicable after receipt of the minutes and audio or video recording, the district shall post the minutes and audio or video recording on the district's internet website, if the district has an internet website.

Education Code 28.004(d-1), (d-2)

Composition

The board shall appoint at least five members to the SHAC. A majority of members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the SHAC.

The board also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified:

1. Classroom teachers employed by the district;
2. School counselors certified under Education Code Chapter 21, Subchapter B, employed by the district;
3. School administrators employed by the district;

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4. District students;
5. Health-care professionals licensed or certified to practice in this state, including medical or mental health professionals;
6. The business community;
7. Law enforcement;
8. Senior citizens;
9. The clergy;
10. Nonprofit health organizations; and
11. Local domestic violence programs.

Education Code 28.004(d)

Physical Activity and Fitness Planning Subcommittee

The SHAC shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students. *Education Code 28.004(l-1)*

Annual Report

In addition to its other duties, the SHAC shall submit to the board, at least annually, a written report that includes:

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

Education Code 28.004(m)

Public Statement

A district shall publish in the student handbook and post on the district's internet website, if the district has an internet website, a statement of:

1. The policies and procedures adopted to promote the physical health and mental health of students, the physical health and mental health resources available at each campus, contact information for the nearest providers of essential public health services under Health and Safety Code Chapter 121, and the

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contact information for the nearest local mental health authority;

2. The policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least the amount and level of physical activity required by Education Code 28.002(l) [see EHAB and EHAC];

3. The number of times during the preceding year the SHAC has met;

4. Whether the district has adopted and enforces policies to ensure that district campuses comply with the Texas Education Agency's vending machine and food service guidelines for restricting student access to vending machines;

5. Whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined by Education Code 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities [see DH and GKA];

6. Notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year [see FFAA]; and

7. Whether each campus in the district has a full-time nurse or full-time school counselor.

Education Code 28.004(k)

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Vacancy Posting

A district's employment policy must provide for notice to each current district employee of a vacant position for which a certificate is required. Notice must be provided not later than the 10th school day before the date on which a district fills the position. Notice shall be posted on:

1. A bulletin board at:
    a. A place convenient to the public in the district's central administrative office, and
    b. The central administrative office of each campus during any time the office is open; or
2. The district's internet website, if the district has a website.

A district shall provide each current district employee a reasonable opportunity to apply for the position.

Education Code 11.1513(d)

Names of Applicants

The name of an applicant for superintendent is excepted from disclosure under Chapter 552, Government Code (Public Information Act). However, a board must give public notice of the name or names of the finalists being considered for superintendent at least 21 days before the date of the meeting at which a final action or vote is to be taken on the employment of the person. *Gov't Code 552.126*

Required Reporting After Superintendent Change

Subsequent to a school system superintendent change, the direct contact information of the superintendent (or person acting in that capacity) must be updated in Sentinel within three business days of a corresponding board meeting. *19 TAC 103.1213(e)(3)(F)* [See CKA]

19 TAC 103.1213

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Available School Fund

The available school fund is apportioned annually to Texas counties according to the scholastic population of each. *Education Code 43.001(b)*

Foundation School Program

The purposes of the Foundation School Program (FSP) set forth in Education Code Chapter 48 are to guarantee that each district in the state has:

1. Adequate resources to provide each eligible student a basic instructional program and facilities suitable to the student's educational needs; and
2. Access to a substantially equalized program of financing in excess of basic costs for certain services, as provided by that chapter.

The FSP consists of:

1. Two tiers that in combination provide for:
    a. Sufficient financing for all school districts to provide a basic program of education that is rated acceptable or higher under Education Code 39.054 and meets other applicable legal standards; and
    b. Substantially equal access to funds to provide an enriched program; and
2. A facilities component as provided by Education Code Chapter 46. [See CCA]

Education Code 48.002

The cost of the FSP for a district is the total sum of:

1. The sum of the tier one allotments and other funding as follows:
    a. The basic allotment under Education Code Chapter 48, Subchapter B;
    b. The student-based allotments under Education Code Chapter 48, Subchapter C; and
    c. The additional funding under Education Code Chapter 48, Subchapter D (including the transportation allotment [see CNA] and the new instructional facility allotment below); and
2. The tier two allotment under Education Code Chapter 48, Subchapter E.

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The sum of the FSP maintenance and operations costs for all accredited school districts in this state constitutes the total maintenance and operations cost of the FSP.

The FSP shall be financed by:

1. State available school funds distributed in accordance with the law;
2. Ad valorem tax revenue generated by local school district effort [see CCG series]; and
3. State funds appropriated for the purposes of public school education and allocated to each district in an amount sufficient to finance the cost of each district's FSP not covered by other funds specified.

Education Code 48.251

PEIMS

A district shall participate in the Public Education Information Management System (PEIMS) and shall provide through that system information required for the administration of Education Code Chapter 48 (Foundation School Program) and of other appropriate provisions of the Education Code. Data standards, established by the commissioner of education, shall be used by a district to submit required information. *Education Code 48.008; 19 TAC 61.1025(b)*

New Instructional Facility Allotment (NIFA)

A district is entitled to an additional allotment as provided by Education Code 48.152 for operational expenses associated with opening a new instructional facility. A district entitled to an allotment may use funds from the district's allotment to renovate an existing instructional facility to serve as a dedicated cybersecurity computer laboratory. *Education Code 48.152*

Definitions

"Instructional facility" ~~has~~ means real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching the ~~meaning assigned~~curriculum required by Education Code 28.002. *Education Code 46.001~~. Education Code~~, 48.152(a)(1); 19 TAC 61.1034(a)(2)* [See CCA for the Instructional Facilities Allotment]

"New instructional facility" is a facility that includes:

1. A newly constructed instructional facility, which is a new instructional campus built from the ground up;
2. A repurposed instructional facility, which is a facility that has been renovated to become an instructional facility for the first time for the applying school district; or

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3. A leased facility operating for the first time as an instructional facility with a minimum lease term of not less than ~~ten years~~10 years. The lease must not be a continuation of or renegotiation of an existing lease for an instructional facility.

Education Code 48.152(a)(2); 19 TAC 61.1034(a)(3)

Eligibility

The following eligibility criteria apply to the NIFA in accordance with Education Code 48.152.

1. The facility for which NIFA funds are requested must meet the following requirements:

   a. The facility must qualify as an instructional campus and a new instructional facility used for teaching the curriculum required by Education Code Chapter 28.

   b. To qualify for first-year funding, a new facility must not have been occupied in the prior school year. To qualify for follow-up funding, the facility must have been occupied for the first time in the prior school year and funded for the NIFA for that first year. If an instructional facility qualifies as a new instructional facility but did not receive the allotment in the first year of eligibility due to a failure to apply, the school district or open-enrollment charter school may still apply for and receive funding for the average daily attendance (ADA) earned only during the second year of occupation in the new instructional facility.

   c. With the exception of a covered walkway connecting the new facility to another building, the new facility must be physically separate from other existing school structures.

   d. Career and technical education (CTE) campuses must report each CTE campus student's ADA when the ADA for that student is reported at the student's home campus.

2. Expansion or renovation of existing instructional facilities, as well as portable and temporary structures, are not eligible for the NIFA.

3. All instructional buildings on the campus must be newly constructed as new instructional facilities, except for an existing gymnasium that remains on the campus and will be utilized on the instructional campus.

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Application Process	To apply for the NIFA, a district must complete the Texas Education Agency's (TEA) online application process requesting funding pursuant to the NIFA. The initial (first-year) application, or an application for one-year funding only, must be submitted electronically no later than July 15. The application must include the following: 1. The electronic submission of TEA's online application for initial funding; and 2. The electronic submission of the following materials: a. A brief description and photograph of the newly constructed, repurposed, or leased instructional facility; b. A copy of a legal document that clearly describes the nature and dates of the new or repurposed construction or a copy of the applicable lease; c. A site plan; d. A floor plan; and e. If applicable, a demolition plan. Second-year applications require only the electronic submission of TEA's online application for follow-up funding no later than July 15 of the year preceding the applicable school year.
Survey on Days of Instruction	In the fall of the school year after a school year for which an applicant received NIFA funds, the district that received the funds must complete an online survey on the number of instructional days held in the new facility and submit the completed survey electronically. TEA will use submitted survey information in determining the final (settle-up) amount earned by each eligible school district, as described by 19 Administrative Code 61.1034(e)(6).
Costs and Payments	The costs and payments for the NIFA are determined by the commissioner. The allotment for the NIFA is a part of the cost of the first tier of the FSP. This allotment is not counted in the calculation of weighted average daily attendance for the second tier of the FSP. If, for all eligible applicants combined, the total cost of the NIFA exceeds the amount appropriated, each allotment is reduced so that the total amount to be distributed equals the amount appropriated. Reductions to allotments are made by applying the same percentage adjustment to each school district.

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Allocations will be made in conjunction with allotments for the FSP in accordance with the school district's payment class. For school districts that are subject to the excess local revenue provisions under Education Code 48.257, and do not receive payments from the Foundation School Fund, NIFA distributions will be reflected as reduced recapture payments.

For school districts that are subject to the excess local revenue provisions under Education Code 48.257, NIFA distributions increase the amount of the FSP entitlement and so will automatically reduce any excess local revenue and reduce the requirement to send recapture to the state in the amount of the NIFA allocation.

For all school districts receiving the NIFA, a final (settle-up) amount earned is determined by the commissioner when information reported through the survey described above is available in the fall of the school year after the school year for which NIFA funds were received. [See Survey on Days of Instruction, above] The final amount earned is determined using the submitted survey information and final counts of ADA for the school year for which NIFA funds were received, as reported through PEIMS.

The amount of funds to be distributed for the NIFA to a school district is in addition to any other state aid entitlements.

19 TAC 61.1034(b)-(e)

19 TAC 61.1034

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Changes throughout pursuant to 19 TAC 103.1213

Safety and Security Audit

At least once every three years, each district shall conduct a safety and security audit of the district's facilities. A district, or a person included in the registry of persons providing school safety or security consulting services established by the Texas School Safety Center (TxSSC) who is engaged by the district to conduct a safety and security audit, shall follow safety and security audit procedures developed by the TxSSC in coordination with the commissioner of education.

A district must confirm that a person is included in the registry before the district may engage the person to provide school safety or security consulting services to the district.

In a district's safety and security audit, the district must certify that the district used the funds provided through the school safety allotment only for the purposes provided by Education Code 48.115.

A district shall report the results of the safety and security audit to the board and, in the manner required by the TxSSC, to the TxSSC. The report provided to the TxSSC must be signed by the board and the superintendent.

Education Code 37.108(b), (b-1), (c), 37.2091(b-1)

In addition to a review of a district's multihazard emergency operations plan under Education Code 37.2071 [see CKC], the TxSSC may require a district to submit its plan for immediate review if the district's audit results indicate that the district is not complying with applicable standards. *Education Code 37.207(c)*

Failure to Report Audit Results

If a district fails to report the results of its audit, the TxSSC shall provide the district with written notice that the district has failed to report its audit results and must immediately report the results to the center.

If three months after the date of the initial notification the district has still not reported the results of its audit to the TxSSC, the TxSSC shall notify the Texas Education Agency (TEA) and the district of the district's requirement to conduct a public hearing under Education Code 37.1081. [See CKC]

Education Code 37.207(d)-(e)

Disclosure

Except as provided by Education Code 37.108(c-2) [see CKC], any document or information collected, developed, or produced during

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a safety and security audit is not subject to disclosure under Government Code Chapter 552 (Public Information Act). *Education Code 37.108(c-1)*

TEA Monitoring of Safety and Security Requirements

TEA shall monitor the implementation and operation of requirements related to school district safety and security, including school district multihazard emergency operations plans [see CKC] and safety and security audits [see above].

Office of School Safety and Security

TEA shall establish an office of school safety and security to coordinate monitoring and, in coordination with the TxSSC and relevant local law enforcement agencies, provide technical assistance to school districts to support the implementation and operation of safety and security requirements.

Vulnerability Assessments

As part of the technical assistance, TEA shall conduct a detailed vulnerability assessment of each school district on a random basis once every four years. Any documentation requested by TEA for a vulnerability assessment must be uploaded to Sentinel [see below at Reporting Through Sentinel].

On completion of a vulnerability assessment TEA shall provide to the superintendent and school safety and security committee [see CK] for the applicable school district a report on the results of the assessment that includes recommendations and required corrective actions to address any deficiencies in campus security identified by the agency.

District Information and Records

~~TEA may require a~~Each school district ~~to~~shall submit information ~~necessary for it~~requested by TEA in TEA's efforts to monitor the implementation and operation of school district safety and security requirements, including notice of an event requiring a district's emergency response including the discovery of a firearm on a campus and information regarding the district's response and use of emergency operations procedures during such an event~~.~~ [see below at Reporting Through Sentinel].

TEA may review school district records as necessary to ensure compliance with Education Code Subchapter D (Protection of Building and Grounds) and Subchapter G (Texas School Safety Center).

Any document or information collected, identified, developed, or produced relating to the monitoring of school district safety and security requirements is confidential under Government Code 418.177 and 418.181 (Texas Disaster Act), and not subject to disclosure under Government Code Chapter 552.

Education Code 37.1083; 19 TAC 103.1213(a), (e)(2)(B)

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Reporting Through Sentinel

Sentinel is TEA's formal school safety system designed to collect, process, store, and distribute school safety and security information. Sentinel serves as a repository for all safety and security-related data submitted to TEA. Each school district shall report information to TEA through Sentinel, including:

1. On or before June 30th of each year, a district shall input its upcoming school year calendar into Sentinel. Any changes to the school year calendar shall be updated in Sentinel within three business days after approval by district leadership.

2. On or before June 30th of each year, a district must verify that all district facilities listed in Sentinel reflect the correct address and campus emergency contact information.

3. If a district closes for a localized emergency, closure information must be immediately recorded in Sentinel.

4. School districts shall submit information related to events requiring an emergency response, including the discovery of a firearm on a campus [see above] in the Sentinel portal. This is inclusive of notifications regarding a bomb threat or terroristic threat [see CKC]. Submission of information in the Sentinel portal does not substitute the requirement for local law enforcement notification of certain activities [see GRAA].

[For additional requirements for reporting through Sentinel, see BJB for reporting a superintendent change, CKC for TxSSC uploading of multihazard emergency operations plans, FDA for transfer of threat assessments between districts, and FFB for application to behavioral threat assessments.]

19 TAC 103.1213(a), (b)(3), (c), (e)(3)(A)-(D)

Intruder Detection Audits

TEA's office of school safety and security shall establish a school safety review team in each region served by a regional education service center, which shall annually conduct on-site general intruder detection audits of school district campuses in the team's region.

Notice to Superintendent

In conducting an intruder detection audit, a safety review team must notify the superintendent of the district in which the campus being audited is located not later than the seventh day before the date of a scheduled audit.

Documentation

Any documentation requested by TEA for an intruder detection audit must be uploaded to Sentinel [see above at Reporting Through Sentinel].

Report

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On completion of the audit, a safety review team must provide to the superintendent and school safety and security committee for the school district in which the campus is located a report on the results of the audit that includes recommendations and required corrective actions to address any deficiencies in campus security identified by the team.

A report produced by a safety review team is confidential and not subject to disclosure under Government Code Chapter 552.

Education Code 37.1084; 19 TAC 103.1213(e)(4)(B)

Assignment of Conservator for Noncompliance

The commissioner may assign a conservator under Education Code Chapter 39A if a school district fails to:

1. Submit to any required monitoring, assessment, or audit under Education Code 37.1083 or 37.1084 [see above];
2. Comply with applicable safety and security requirements; or
3. Address in a reasonable time period, as determined by commissioner rule, issues raised by TEA's monitoring, assessment, or audit of the district under Education Code 37.1083 or 37.1084.

A conservator may exercise the powers and duties of a conservator under Education Code 39A.003 [see AIC] only to correct a failure identified above. TEA may not assign a conservator for a district's failure to comply with Education Code 37.0814 (Armed Security Officer Required) or a good cause exception claimed under that section. [See CKE]

Education Code 37.1085

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Notice of Bomb Threat or Terroristic Threat

A district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent or guardian of or other person standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable. *Education Code 37.113*

Notice Regarding Violent Activity

The Texas Education Agency (TEA) shall develop model standards for providing notice regarding violent activity that has occurred or is being investigated at a district campus or other district facility or at a district-sponsored activity to parents, guardians, and other persons standing in parental relation to students who are assigned to the campus, regularly use the facility, or are attending the activity, as applicable. A district shall adopt a policy for providing this notice in a manner that meets TEA standards. *Education Code 37.1131*

Emergency Response Map and Walk-Through

A district shall provide to the Department of Public Safety (DPS) and all appropriate local law enforcement agencies and emergency first responders:

1. An accurate map of each district campus and school building that is developed and documented in accordance with the standards described by Education Code 37.351 related to developing site and floor plans, access control, and exterior door numbering; and
2. An opportunity to conduct a walk-through of each district campus and school building using the map.

Education Code 37.117

Emergency Operations Plan

Each district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center (TxSSC) in conjunction with the governor's office of homeland security and the commissioner. The plan must provide for:

1. Training in responding to an emergency for district employees, including substitute teachers;
2. Measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

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3. Measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency;

4. Mandatory school drills and exercises, including drills required under Education Code 37.114 (emergency evacuations), to prepare district students and employees for responding to an emergency [see CKB];

5. Measures to ensure coordination with the Texas Department of State Health Services (TDSHS) and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency;

6. The implementation of a required safety and security audit [see CKA]; and

7. Any other requirements established by the TxSSC in consultation with TEA and relevant local law enforcement agencies.

Education Code 37.108(a)

A district shall include in its multihazard emergency operations plan:

1. A chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;

2. Provisions that address physical and psychological safety for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of these provisions by TEA or TxSSC;

3. Provisions for ensuring the safety of students in portable buildings;

4. Provisions for ensuring that students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation;

5. Provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;

6. Provisions for supporting the psychological safety of students, district personnel, and the community during the response

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and recovery phase following a disaster or emergency situation that:

a. Are aligned with best practice-based programs and research-based practices recommended under Education Code 38.351;

b. Include strategies for ensuring any required professional development training for suicide prevention and grief-informed and trauma-informed care is provided to appropriate school personnel;

c. Include training on integrating psychological safety and suicide prevention strategies into the district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and TxSSC for:

(1) Members of the district's school safety and security committee [see CK];

(2) District school counselors and mental health professionals; and

(3) Educators and other district personnel as determined by the district;

d. Include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by item 2, above; and

e. Implement trauma-informed policies;

7. A policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill;

8. The name of each individual on the district's school safety and security committee and the date of each committee meeting during the preceding year [see CK]; and

9. Certification that the district is in compliance with Education Code 37.117 [see Emergency Response Map, above].

Education Code 37.108(f)

Guidelines for Individuals with Disabilities or Impairments

TEA shall establish guidelines for the provisions in a district's multi-hazard emergency operations plan to ensure the safety of students and district personnel with disabilities or impairments during a disaster or emergency situation. A district must follow the guidelines

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established by TEA in adopting and implementing the district's multihazard emergency operations plan. *Education Code 37.1086*

Active Shooter Emergency

A district shall include in its multihazard emergency operations plan a policy for responding to an active shooter emergency. The district may use any available community resources in developing the policy. *Education Code 37.108(g)*

Train Derailment

A district shall include in its multihazard emergency operations plan a policy for responding to a train derailment near a district school. A district is only required to adopt the policy if a district facility is located within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line. A district may use any available community resources in developing the policy. *Education Code 37.108(d)*

Polling Place Security

A district shall include in its multihazard emergency operations plan a policy for district property selected for use as a polling place under Election Code 43.031. In developing the policy, the board may consult with the local law enforcement agency with jurisdiction over the district property selected as a polling place regarding reasonable security accommodations that may be made to the property. This requirement may not be interpreted to require the board to obtain or contract for the presence of law enforcement or security personnel for the purpose of securing a polling place located on district property. Failure to comply with this subsection does not affect the requirement of the board to make a school facility available for use as a polling place under Election Code 43.031. *Education Code 37.108(e)* [See GKD]

Disclosure

A document relating to a district's multihazard emergency operations plan is subject to disclosure if the document enables a person to:

1. Verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including TDSHS, local emergency services agencies, law enforcement agencies, health departments, and fire departments;
2. Verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the plan addresses the five phases of emergency management listed above at Emergency Operations Plan;

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4. Verify that district employees have been trained to respond to an emergency and determine the types of training, the number of employees trained, and the person conducting the training;

5. Verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;

6. Verify that the district has established a plan for responding to a train derailment if required [see Train Derailment, above];

7. Verify that the district has completed a safety and security audit and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the board [see CKA];

8. Verify that the district has addressed any recommendations by the board for improvement of the plan and determine the district's progress within the last 12 months; and

9. Verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

Education Code 37.108(c-2)

[See GRC for emergency management training requirements and response to requests from other governmental entities for mutual aid.]

Plan Review

A district shall submit its multihazard emergency operations plan to the TxSSC not later than the 30th day after the date the TxSSC requests the submission and in accordance with the review cycle developed under Education Code 37.2071(a).

Any document or information collected, developed, or produced during the review and verification of multihazard emergency operations plans is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

Upon completed review of a district's multihazard emergency operations plan, the TxSSC may upload a copy of that plan, including all required appendices, to the Sentinel portal. [See CKA] *19 TAC 103.1213(e)(3)(E)*

19 TAC 103.1213

Failure to Submit Plan

If a district fails to submit its multihazard emergency operations plan to the TxSSC for review following a notification by the TxSSC that the district has failed to submit the district's plan, the TxSSC

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shall provide the district with written notice stating that the district must hold a public hearing as outlined at Public Hearing on Noncompliance, below. The notice must state that the commissioner is authorized to appoint a conservator under Education Code 37.1082.

Notice of Plan Deficiencies

The TxSSC shall review each district's multihazard emergency operations plan and verify the plan meets the requirements or provide the district with written notice describing the plan's deficiencies, including specific recommendations to correct the deficiencies, and stating that the district must correct the deficiencies in its plan and resubmit the revised plan to the TxSSC.

The TxSSC may approve a district multihazard emergency operations plan that has deficiencies if the district submits a revised plan that the center determines will correct the deficiencies.

Failure to Correct Deficiencies

If one month after the date of initial notification of a plan's deficiencies outlined above a district has not corrected the plan deficiencies, the TxSSC shall provide written notice to the district and TEA that the district has not complied with the requirements and must comply immediately.

If a district still has not corrected the plan deficiencies three months after the date of initial notification, the TxSSC shall provide written notice to the district stating that the district must hold a public hearing as outlined at Public Hearing on Noncompliance, below.

Education Code 37.2071

Public Hearing on Noncompliance

If the board receives notice of noncompliance under Education Code 37.207(e) [see CKA], 37.2071(d) [see Failure to Submit Plan, above] or 37.2071(g) [see Failure to Correct Deficiencies, above], the board shall hold a public hearing to notify the public of:

1. The district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit to the TxSSC as required by law;
2. The dates during which the district has not been in compliance; and
3. The names of each member of the board and the superintendent serving in that capacity during the dates the district was not in compliance. The district shall provide this information in writing to each person at the hearing.

The board shall give members of the public a reasonable opportunity to appear before the board and to speak on the issue of the district's failure to submit or correct deficiencies in a multihazard

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emergency operations plan or report the results of a safety and security audit during a hearing held under this provision. A district required to hold a public hearing shall provide written confirmation to the TxSSC that the district held the hearing.

Education Code 37.1081

Safe Firearm Storage

The TxSSC, in collaboration with DPS, shall provide to each district information and other resources regarding the safe storage of firearms for distribution by the district including information on the offense of making a firearm accessible to a child under Penal Code 46.13 and ways in which parents and guardians can effectively prevent children from accessing firearms.

A district shall provide the information and other resources to the parent or guardian of each student enrolled in the district or school.

Education Code 37.222

Confidential Information under the Texas Disaster Act

Information is confidential if the information is collected, assembled, or maintained by or for a district for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and:

Emergency Response Provider Information

1. Relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a firefighting agency, or an emergency services agency;
2. Relates to a tactical plan of the provider; or
3. Consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

Gov't Code 418.176

Risk or Vulnerability Assessment

Information is confidential if the information:

1. Is collected, assembled, or maintained by or for a district for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and
2. Relates to an assessment by or for a district, or an assessment that is maintained by a district, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

Gov't Code 418.177

Information, other than financial information, in the possession of a district is confidential if the information:

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1. Is part of a report to an agency of the United States;
2. Relates to an act of terrorism or related criminal activity; and
3. Is specifically required to be kept confidential:
    a. Under the Public Information Act, Government Code 552.101, because of a federal statute or regulation;
    b. To participate in a state-federal information sharing agreement; or
    c. To obtain federal funding.

Security Systems

Financial information in the possession of a district that relates to the expenditure of funds by a district for a security system is public information that is not excepted from required disclosure under the Public Information Act. [See GBA]

Information, including access codes and passwords, in the possession of a district that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

Gov't Code 418.182

Disaster Disclosure Exception

At any time during a state of disaster, the superintendent may voluntarily disclose or otherwise make available all or part of the information that is confidential under Government Code 418.175-.182 to another person or another entity if the superintendent believes that the other person or entity has a legitimate need for the information. The disclosure or making available of confidential information under this provision does not waive or affect the confidentiality of the information. *Gov't Code 418.183(b), (e)*

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Note: For information regarding the district's ability to request identification, refuse entry, or eject persons from district property, see GKA and GKC.

Safety Rules

The board may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to carry out Education Code Chapter 37, Subchapter D (Protection of Buildings and Grounds) and the governance of the district, including rules providing for the operation and parking of vehicles on school property. *Education Code 37.102(a)* [See also CLC]

Human Trafficking Warning Signs

Each public primary or secondary school shall post warning signs of the increased penalties for trafficking of persons under Penal Code 20A.02(b-1)(2) in a conspicuous place reasonably likely to be viewed by all school employees and visitors.

Each warning sign must:

~~1. Include a description of the provisions of Penal Code 20A.02(b-1), including the penalties for violating the section;~~

1. Describe the offense of trafficking in persons as provided under Penal Code 20A.02(a). The sign must emphasize that an offense under Penal Code 20A.02, is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:

   a. On the premises of or within 1,000 feet of the premises of:

      (1) A school;

      (2) A juvenile detention facility;

      (3) A post-adjudication secure correctional facility;

      (4) A shelter or facility operating as a residential treatment center that serves runaway youth, foster children, people who are homeless, or persons subjected to human trafficking, domestic violence, or sexual assault;

      (5) A community center offering youth services and programs;

      (6) A child-care facility, as defined by Human Resources Code 42.002; or

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(7) An institution of higher education or private or independent institution of higher education, as defined by Education Code 61.003; or

b. On premises or within 1,000 feet of premises where:

(1) An official school function was taking place; or

(2) An event sponsored or sanctioned by the University Interscholastic League was taking place;

2. Be written in English and Spanish; and

3. Be at least 8.5 by 11 inches in size.

Education Code 37.086; 19 TAC 103.1403(c)

19 TAC 103.1403

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Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)-(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

Additional State Aid

State-Approved Instructional Materials

For each student enrolled in the district, a school district is entitled to additional state aid for each school year in an amount equal to $40, or a greater amount provided by appropriation, to procure instructional material that has been reviewed by the Texas Education Agency (TEA); placed on the State Board of Education (SBOE) list of approved instructional materials; designated by the SBOE as being included or capable of being included in an instructional materials parent portal; and acquired from a publisher, manufacturer, or other entity that has not been found to violate Education Code 31.151. *Education Code 48.307(a)*

Open Education Resource Instructional Materials

Subject to Education Code 31.0751 (Open Education Resource [OER] transition plan), a district is entitled to additional state aid for each school year in an amount not to exceed $20 for each student for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing

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and shipping of OER instructional material made available under Education Code Chapter 31, Subchapter B-1. *Education Code 48.308(a)*

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

Permitted Expenditures

The allotment funds may be used to purchase or pay for:

1. Instructional materials, regardless of whether the instructional materials are on the list of approved instructional materials maintained by the SBOE under Education Code 31.022;
2. Consumable instructional materials;
3. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
4. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
5. Supplemental instructional materials;
6. OER instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
7. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
8. Technological equipment necessary to support the use of any instructional materials purchased with an allotment under this provision;
9. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of instructional materials;

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10. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;

11. Training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use;

12. Training personnel in the electronic administration of assessment instruments;

13. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning; and

14. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate internet access.

The allotment funds may not be used to purchase instructional material that contains obscene or harmful content or would otherwise cause the district to which the funds were allotted to be unable to submit the certification required under Education Code 31.1011(a)(1)(B) [see Certification of Instructional Materials, below].

Education Code 31.0211(c), (f)

Technological Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and

2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

Education Code 31.0211(d)

Instructional Materials and Technology Account

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium.

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At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

A district shall provide to TEA the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials and technology allotment.

Education Code 31.0212(a)-(d)

Purchasing Method

A district is not required to use a method provided by Education Code 44.031(a) to purchase instructional materials that have been reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.102(d)*

Requisitions, Use, and Distribution

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Online Requisition Program

A district shall make a requisition for instructional materials using the online requisition program maintained by the commissioner. A district may requisition instructional materials for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)-(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

OER Instructional Materials

A district may adopt OER instructional material at any time. Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may not be charged for a cost associated with the selection of an OER instructional material, except for the cost of printing copies of the material. *Education Code 31.073(a), (c)-(d)*

OER Transition Plan

To qualify for additional state aid under Education Code 48.308, the board must adopt an OER instructional material transition plan to assist classroom teachers in the district who will be using an OER instructional material in a specific subject or grade level for which the teacher has not previously used an OER instructional material.

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The plan must ensure that OER instructional materials are used in a manner that maintains the instructional flexibility of a classroom teacher to address the needs of each student.

A district that participates in the program developed and maintained by TEA under Education Code 31.0752 is not required to adopt a transition plan under this provision. [See OER Instructional Material Support Program, below]

Education Code 31.0751

~~TEA Assistance~~The OER instructional material transition plan shall be submitted in a format determined by the commissioner.

A district is required to have a locally maintained OER transition plan that complies with 19 Administrative Code 67.1315 to access funding allotted under Education Code 48.308.

A district is required to submit an OER instructional material transition plan only when:

1. First adopting an SBOE-approved OER product for a grade level or subject/course; or
2. Expanding implementation of an SBOE-approved OER product to additional campuses and/or grade levels.

The OER instructional material transition plan adopted by the board of trustees shall include the plan of the district to ensure the following:

1. Clear communication and stakeholder change management plans and timelines;
2. Timely access to print materials and related manipulatives through OER procurement and distribution;
3. Sufficient planning and instructional time evidenced by instructional calendars and master schedules aligned to the requirements of the materials;
4. Clear expectations for the implementation of:
    a. Instructional materials;
    b. Internalization and student work analysis protocols; and
    c. Curriculum-embedded assessments;
5. Processes for stakeholder communication and public posting, as outlined in Education Code 26.006, if materials have been modified by the district;

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6. The maintenance of instructional flexibility through clear guidance for acceptable teacher modifications to instructional pacing, sequencing, and lesson content to address the needs of each student; and

7. Sufficient professional learning and development for school leaders, instructional coaches, and teachers, including:

   a. Pre-service product onboarding and orientation; and

   b. Ongoing, job-embedded, curriculum-based professional learning, including cycles of observation and feedback.

The commissioner may request and review OER instructional material transition plans before funding is released and reject a plan subsequent to review.

19 TAC 67.1315

19 TAC 67.1315

OER Instructional Material Support Program

TEA shall develop and maintain a program to assist school districts in adopting and using OER instructional material~~.~~, including by assisting districts to:

1. Maintain the instructional flexibility of classroom teachers to address the needs of each student; and

2. Schedule instructional periods in a manner that allows classroom teachers sufficient time to effectively prepare and present instructional material within the teacher's normal work day.

Education Code 31.0752

Additional language for clarity in light of revisions to 19 TAC 67.1315

Requisition

A district that selects OER instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or

2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Parent Portal

An entity that hosts an instructional materials parent portal must comply with requests regarding parental access to the portal made

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by a district in compliance with Education Code 31.154 or Education Code 26.006 [see EFA]. *Education Code 31.154(e)*

[For more information regarding the requirements for certain entities that supply instructional materials to host a parent portal, see Education Code 31.154.]

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. *Education Code 31.029*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that the district:

1. For each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level:
    a. Provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level; and
    b. In the provision of instructional materials, the district protects students from obscene or harmful content as necessary for compliance with the Children's Internet Protection Act (Pub. L. No. 106-554) [see CQ], Education Code 28.0022 [see EMB], Penal Code 43.22, and any other law or regulation that protects students from obscene or harmful content [see EFA]; and
2. The district used money allocated to the district or school under the instructional materials and technology allotment only for purposes allowed under Education Code 31.0211.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Instructional materials developed, purchased, or otherwise acquired by the district; and
3. OER instructional materials and other electronic instructional materials included in the repository under Education Code 31.0722.

Education Code 31.1011

Annual Report

Each district shall annually report to TEA information regarding the instructional materials used by the district during the previous

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school year, including the cost of each material. *Education Code 31.1012*

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which OER instructional material that a district does not intend to use for another student is distributed, the printed copy of the OER instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of OER instructional material.

Education Code 31.104(c), (g)-(h)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of OER instructional material.

Education Code 31.104(d), (e), (h) [See also EFA]

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Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of OER instructional material. *Education Code 31.104(b)*

Sale or Disposal

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

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Sale	The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.
Use of Proceeds	Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.
Disposal	The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision. *Education Code 31.105*

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

Authorization to Purchase or Lease Vehicles

A district may purchase school motor vehicles through the comptroller or through competitive bidding under Education Code Chapter 44, Subchapter B. *Education Code 34.001(a)* [See CH]

Each contract proposed to be made by a district for the purchase or lease of one or more school buses, including a lease with an option to purchase, must be submitted to competitive bidding when the contract is valued at $20,000 or more. *Education Code 44.031(l)*

When a contract for the purchase of school buses is valued at $20,000 or more, the contract must be made either through competitive bidding or by purchasing the buses through the comptroller. *Atty. Gen. Op. LO-98-063 (1998)*

Payment

A district financially unable to pay for a vehicle the district purchases may, as prescribed by Education Code 34.005, issue interest-bearing time warrants in amounts sufficient to make the purchase. *Education Code 34.005(a)*

A board may issue bonds to purchase new school buses. *Education Code 45.001(a)(1)(D)* [See CCA]

New Van Purchases or Leases

A school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multi-function school activity buses under United States Code Title 49. This provision does not apply in some limited circumstances, including the purchase or lease of a 15-passenger van under a contract executed before August 10, 2005, the date of enactment of this provision. *49 U.S.C. 30112*

Contracts for School Bus Use, Acquisition, or Lease

A board may contract with any person for use, acquisition, or lease with option to purchase a school bus if the board determines the contract to be economically advantageous to the district. Such a contract may have any lawful term of not less than two or more than 10 years. The competitive bidding requirements of Education Code Chapter 44, Subchapter B apply to a contract under this provision. A school bus that is leased or leased with an option to purchase must meet or exceed safety standards set out in Education Code 34.002. *Education Code 34.009* [See CH]

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Registration

District-owned vehicles used exclusively in the service of a district are exempt from the state registration fee. The Department of Motor Vehicles (DMV) must approve an application for registration before exempt license plates are issued. *Transp. Code 502.451, .453*

Identification

The DMV may not issue exempt license plates unless the applicant for registration certifies in writing that the name of a district is printed on each side of the vehicle, in letters that are at least two inches high or in an emblem that is at least 100 square inches in size. The letters or emblem must be of a color sufficiently different from the body of the vehicle to be clearly legible from a distance of 100 feet. *Transp. Code 502.452(a)*

Maintenance

District vehicles are subject to inspection pursuant to Transportation Code Chapter 548.

School Bus Advertising

The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety-warning equipment. A school bus that violates this provision or rules adopted under this provision shall be placed out of service until it complies. *Transp. Code 547.701(d)*

Advertising Rules

A district may allow advertisements on school buses in accordance with rules. The rules adopted by the Texas Department of Public Safety (DPS) at 37 Administrative Code 14.61-14.65 apply to all school buses used to transport preprimary, primary, and secondary public school students. *37 TAC 14.61*

"Advertisement"

For purposes of this policy, "advertisement" means any communication brought to the attention of the public by paid announcement or in return for public recognition in connection with an event or offer or sale of a product or service, except for a single-line listing of a district name and/or school or manufacturer logo approved by DPS. *37 TAC 14.1(1)*

Material and Location

Advertisements must be of a material and in a location specified in the rules. *37 TAC 14.62-.64*

Annual Notice

By September 1 of each year, districts involved in an advertising program shall provide the School Bus Transportation Program at DPS written notification of the number of buses operated by or for the district that display exterior advertising or another paid announcement. *37 TAC 14.65(a)(1), (b)* [See CNC for required reporting of crashes involving buses with advertising]

Added for clarity in light of revisions to CNC

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Delivery of Notice Notices to DPS shall be delivered by facsimile at (512) 424-2238, electronic mail at sbt@txdps.state.tx.us, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Nonschool Use A board may contract with nonschool organizations for use of school buses. The board may provide services relating to the maintenance and operation of the buses in accordance with the contract. *Education Code 34.010*

Sale of Buses At the request of a district, the comptroller shall dispose of a school bus. A district is not required to dispose of a bus through the comptroller. *Education Code 34.006*

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Safety Standards

A district shall meet or exceed the safety standards for school buses established by the Department of Public Safety (DPS), with the advice of the Texas Education Agency (TEA). A district that fails or refuses to meet these safety standards for school buses is ineligible to share in the transportation allotment until the first anniversary of the date the district begins complying with the safety standards. *Education Code 34.002; Transp. Code 547.102; 37 TAC 14.51-.52*

Student Safety

Prohibitions

A district may not require or allow a child to stand on a moving bus or passenger van. *Education Code 34.004*

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting:
    a. On the floor of the bus, or
    b. In any location on the bus that is not designed as a seat.

Transp. Code 545.426

Seat Belts

Required on Buses

A bus, including a school bus, a school activity bus, multifunction school activity bus, or school-chartered bus, operated by or contracted for use by a district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement does not apply to:

1. A bus purchased by a school district that is a model year 2017 or earlier; or
2. A bus purchased by a school district that is a model year 2018 or later if the board:
    a. Determines that the district's budget does not permit the district to purchase a bus that is equipped with the required seat belts; and
    b. Votes to approve that determination in a public meeting.

Transp. Code 547.701(e)

Student Requirement

A district shall require a student riding a bus operated by or contracted for operation by the district to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus. A school district may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

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Donations

A board shall consider any offer made by a person to donate three-point seat belts or money for the purchase of three-point seat belts for a district's school buses. A board may accept or decline the offer after adequate consideration.

A board may acknowledge a person who donates three-point seat belts or money for the purchase of three-point seat belts for a school bus by displaying a small, discreet sign on the side or back of the bus recognizing the person who made the donation. The sign may not serve as an advertisement for the person who made the donation.

Education Code 34.014

Use of Warning Signals

When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children.

A person may not operate a light or other equipment described above except when a school bus is being stopped or is stopped on a highway to:

1. Permit a student to board or exit the bus; or
2. Distribute to a student or the parent or guardian of a student:
    a. Food; or
    b. Technological equipment for use by the student for educational purposes.

Transp. Code 547.701(c), (c-1)

Wireless Communication Devices

General Rule

An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. *Transp. Code 545.4251(b)*

School Property

An operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone or on the property of a public elementary, middle, junior high, or high school served by a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

1. The vehicle is stopped; or
2. The wireless communication device is used with a hands-free device.

Transp. Code 545.4252

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An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. This provision does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e-1)*

Definitions

"Hands-free device" means speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes voice-operated technology and a push-to-talk function. *Transp. Code 545.425(a)(1)*

"Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person. *Transp. Code 545.4251(a)(1)*

Disruption of Transportation

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by a district or to or from activities sponsored by a school on a vehicle owned and/or operated by a district shall be guilty of a misdemeanor. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

Exhibition of Firearm

For information regarding offenses pertaining to firearms on buses, see GKA(LEGAL).

Collision Reports

Notice to DPS for Buses With Advertising

A district shall provide DPS written notification of any collision directly or indirectly involving a school bus operated by or for the district that bears advertising or another paid announcement. *37 TAC 14.65(a)(2)* [See CNB for rules related to school bus advertising.]

Notice must be received not more than five days from the date of the collision and shall include the following:

1. The name and address of the owner of the school bus;
2. The name and driver's license number of the school bus operator;
3. The date of the collision;
4. The city or county where the collision occurred; and

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5. The investigating police agency.

37 TAC 14.65(c)

Notices to DPS may be delivered by facsimile, electronic mail, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

~~Notice~~Annual Report to TEA

A district shall report annually to TEA the number of collisions in which its buses were involved in the past year in a manner prescribed by the commissioner of education. A district shall file ~~the~~ annual ~~report~~collision reports to TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:

1. The total number of bus collisions;
2. The date each collision occurred;
3. The type of bus, as specified in 19 Administrative Code ~~61.1028~~103.1231(a), involved in each collision;
4. Whether the bus involved in each collision was equipped with seat belts and, if so, the type of seat belts;
5. The number of students and adults involved in each collision;
6. The number and types of injuries that were sustained by the bus passengers in each collision; and
7. Whether the injured passengers in each collision were wearing seat belts at the time of the collision and, if so, the type of seat belts.

A school district shall report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus is owned, leased, contracted, or chartered by a school district and was transporting school district personnel, students, or a combination of personnel and students; or
2. The bus was driven by a school district employee or by an employee of the school district's bus contractor with no passengers on board and the collision involved a ~~collision with a~~ pedestrian.

Exceptions

A school district shall not report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

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1. The bus was driven by a school district employee or by an employee of the school district's bus contractor, the collision occurred when no passenger other than the school district's driver or bus contractor's driver was on board the bus, and the collision did not involve a ~~collision with a~~ pedestrian; or

2. The collision involved a bus chartered by a school district for a school activity trip and no school district personnel or students were on board the bus at the time of the collision.

A school district shall not report a collision that occurred in a vehicle that is owned, contracted, or chartered by a school district and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.

Education Code 34.015(b); 19 TAC ~~61.1028~~103.1231(b)

Repeal of 19 TAC 61.1028 and relocation to 19 TAC 103.1231

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Fair Labor Standards Act

Minimum Wage and Overtime

Unless an exemption applies, a district shall pay each of its employees not less than minimum wage for all hours worked. *29 U.S.C. 206(a)(1)*

Unless an exemption applies, a district shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek. *29 U.S.C. 207(a)(1); 29 C.F.R. pt. 778*

Breaks for Nonexempt Employees

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods. *29 C.F.R. 785.18*

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. *29 C.F.R. 785.19*

Compensatory Time

Accrual

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

Payment for Accrued Time

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).

Use

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the district.

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The Fair Labor Standards Act (FLSA) does not prohibit a district from compelling the use of accrued compensatory time.

29 U.S.C. 207(o); Christensen v. Harris Cnty., 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

Exempt Employees

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. *29 U.S.C. 213(a)(1)*

Academic Administrators

The term "employee employed in a bona fide administrative capacity" includes an employee:

1. Compensated on a salary or fee basis at ~~a rate of not less than $684 per week~~the established weekly threshold, exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the district by which employed; and

2. Whose primary duty is performing administrative functions directly related to academic instruction or training in a district or department or subdivision thereof.

Removing exact dollar amount to prevent the need for continuous future updates.

"Performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. The superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;

2. The principal and any vice principals responsible for the operation of an elementary or secondary school;

3. Academic counselors who perform work such as administering school testing programs, assisting students with academic

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problems and advising students concerning degree requirements; and

4. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunchroom managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

29 C.F.R. 541.204

Salary Basis

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the district did not intend to pay exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

Partial-Day Deductions

A district employee who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;

2. Accrued leave has been exhausted; or

3. The employee chooses to use leave without pay.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

29 C.F.R. 541.710

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Safe Harbor Policy

If a district has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the district will not lose the exemption unless the district willfully violates the policy by continuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on a district's intranet.

29 C.F.R. 541.603(d)

Teachers

The term ''employee employed in a bona fide professional capacity'' includes any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an elementary or secondary school system by which the employee is employed. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include:

1. Regular academic teachers;
2. Teachers of kindergarten or nursery school pupils;
3. Teachers of gifted or disabled children;
4. Teachers of skilled and semi-skilled trades and occupations;
5. Teachers engaged in automobile driving instruction;
6. Home economics teachers; and
7. Vocal or instrumental music instructors.

Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify

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for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

29 C.F.R. 541.303

Wage and Hour Records

A district shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. *29 C.F.R. 516.2(a)*

Payday Law Exemption

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*

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Staff Development

Educator

The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.

Principal

The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]

Education Code 21.451(a), (a-1)

Professional Development Policy

A board shall annually review the SBEC continuing education and training clearinghouse published under Education Code 21.4514 and adopt a professional development policy that must:

1. Be guided by the recommendations for training in the clearinghouse;
2. Note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and
3. Include a schedule of all training required for educators or other school personnel at the district or school.

To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy.

Education Code 21.4515(a), (b)

Requirements for Training

In designing staff development for educators other than principals, a district must use procedures that, to the greatest extent possible, ensure the training included in the staff development:

1. Incorporates proactive instructional planning techniques using a framework that:
   a. Provides flexibility in the ways:
      (1) Information is presented;
      (2) Students respond or demonstrate knowledge and skills; and
      (3) Students are engaged;
   b. Reduces barriers in instruction;
   c. Provides appropriate accommodations, supports, and challenges; and

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d. Maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and

2. Integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

Education Code 21.451(a-2), (b), (c)

Optional Training

Staff development may include training in:

1. Technology and digital learning; and

2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct.

Technology and digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Education Code 21.451(d)(1), (d-3), (g)

Required Training

Staff development must include training on:

1. Suicide prevention;

2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution; and

3. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided in accordance with the board's professional development policy and use a best practice-based program recommended by the Health and Human Services

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Commission under Education Code 38.351 [see FFEB]. Required training may include two or more topics listed together.

Education Code 21.451(d)(3), (d-1)

Instruction of Students with Disabilities

Definition

"Student with a disability" means a student who is:

1. Eligible to participate in a school district's special education program under Education Code 29.003;
2. Covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or
3. Covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Education Code 21.001(3-a)

Requirements

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

Education Code 21.451(d)(2), (e)-(f)

Suicide Prevention

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by the Texas Education Agency (TEA) and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

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Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;

2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;

3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and

4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district shall require completion in accordance with the district's professional development policy and maintain records that include district employees who participated in the training.

A district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under Education Code 38.040. [See EHAC]

Education Code 38.351(e), (g), (g-1), (h); 19 TAC 153.1013

Staff Development Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

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Child Abuse, Trafficking, and Maltreatment

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided in accordance with the district's professional development policy and as part of new employee orientation to all new employees.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include staff members who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

Education Code 38.0041(c)-(f); 19 TAC ~~61.1051~~103.1401(d)

19 TAC 61.1051 has been repealed and the requirements from that provision have moved to 19 TAC 103.1401.

Trauma-Informed Care

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees in accordance with the district's professional development policy. [See BQ, FFBA] *Education Code 38.036(c)*

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Mental Health

A district shall require each district employee who regularly interacts with students enrolled at the district to complete an evidence-based mental health training program designed to provide instruction to participants regarding the recognition and support of children and youth who experience a mental health or substance use issue that may pose a threat to school safety.

A district may not require a district employee who has previously completed mental health training offered by a local mental health authority under Health and Safety Code 1001.203 to complete the required training.

Education Code 22.904

To complete the required evidence-based mental health training program, personnel who regularly interact with students shall participate and complete the general training program, participate and complete the training program related to local school district practices and procedures, and submit and maintain supporting documentation of completion. *19 TAC 153.1015(b)*

Records

School districts shall require each district employee to provide the certificate of completion of the general training program to the school district.

Documentation of the training program related to local school district practices and procedures may be satisfied when the employee submits to the district an acknowledgement form signed by the employee who received the current training and a copy of the local procedures and practices that are published in the district handbook and/or district improvement plan.

Documentation of training for the mental health training program must be kept by the school district and made available to TEA upon request, which may include a reporting process, for the duration of the employee's employment with the district.

19 TAC 153.1015(f)(1)-(3)

19 TAC 153.1015

Student Discipline

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to

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remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

Education Code 37.0181

Test Administration

The commissioner may require training for district employees involved in the administration of assessment instruments. The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1), (b-2)*

Cybersecurity

Employees identified by the district with access to a district computer system or database and who use a computer to perform at least 25 percent of the employee's required duties must complete a cybersecurity training program selected by the board. The district, in consultation with its cybersecurity coordinator, shall determine how frequently employees must complete the training. [See CQB] *Gov't Code 2054.5191(a-1); Education Code 11.175(h-1)*

Special Programs

A district shall ensure that:

Teacher Literacy Achievement Academies (Reading Academies)

1. Not later than the 2022-23 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and

2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2022-23 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 by the end of the teacher's or principal's first year of placement in that grade level or campus.

Education Code 28.0062(a)(2)

[See EHAB for kindergarten-grade 3 reading standards.]

Gifted and Talented Education

A district shall ensure that:

1. Prior to assignment in the program or within one semester of assignment, teachers who provide instruction and services

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that are a part of the program for gifted/talented students [see EHBB] have a minimum of 30 hours of professional learning that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted/talented students;

2. Teachers who provide instruction and services that are a part of the program for gifted/talented students receive a minimum of six hours annually of professional learning in gifted/talented education; and

3. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional learning that includes nature and needs of gifted/talented students and program options with an update after legislative sessions.

19 TAC 89.2

Elective Bible Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religious or biblical studies. The teacher must successfully complete staff development training developed by the commissioner for elective Bible courses. An elective Bible course may be taught only by a teacher who has successfully completed the commissioner's training under Education Code 21.459. *Education Code 28.011(f)*

Texas English Language Proficiency Assessment System Training

The employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System (TELPAS) at a district campus may, with discretion, require other district employees involved in administering the TELPAS to complete training or online calibration activities described by Education Code 21.4571(a). An employee may not be required to complete a training or online calibration activity in one sitting. *Education Code 21.4571(b), (c)*

Automated External Defibrillators

A district shall, in accordance with its professional development policy, make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and

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2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Education Code 22.902

Extracurricular Activity Safety

The following persons must satisfactorily complete an extracurricular activity safety training program in accordance with the district's professional development policy:

1. A coach, trainer, or sponsor for an extracurricular athletic activity; and

2. A director responsible for a school marching band.

The safety training program must include:

1. Certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;

2. Current training in:

   a. Emergency action planning;

   b. Communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and

   c. Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and

3. A safety drill that incorporates the training and simulates various injuries described above.

Education Code 33.202(b), (c); 19 TAC 76.1003

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

Steroids

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

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1. The educational program developed by the UIL regarding the health effects of steroids; or

2. A comparable program developed by the district or a private entity with relevant expertise.

Education Code 33.091(c-1)

Concussions

At least once every two years, the following employees shall take a training course from an authorized provider:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL that provides for not less than two hours of training in the subject matter of concussions, including evaluation, prevention, symptoms, risks, and long-term effects.

2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course concerning the subject matter of concussions that meets the requirements set by the Texas Department of Licensing and Regulation (TDLR).

3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by the UIL for coaches or that meets the requirements set by TDLR for athletic trainers, or a course concerning the subject matter of concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

Seizure Recognition and Related First Aid

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-

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approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

Education Code 38.033(a), (b)

[See FFAF for information about a seizure management and treatment plan.]

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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)*

Multi-tiered System

Referral of students for a full individual and initial evaluation (FIIE) must be a part of the district's multi-tiered system of academic and behavioral supports. Students not making progress in the general education classroom should be considered for all interventions and support services available to all students; such as tutorial, compensatory, response to evidence-based intervention, and other academic or behavior support services.

The district cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted.

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District Obligation to Refer

If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time district personnel suspect a disability and a possible need for special education and related services, district personnel must refer the student for an FIIE.

A referral or request for an FIIE 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. While an FIIE is being conducted, a student must continue to receive any necessary interventions and support services to target their academic or behavioral needs.

19 TAC 89.1011(a)

Prior Written Notice

Parent

If a parent submits a written request to a district's director of special education services or to a district administrative employee, such as a campus principal, for a FIIE 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, a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA), 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, a copy of the Overview of Special Education for Parents form created by TEA, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

District

When a district initiates the referral for an FIIE of a student, the district must provide the parent with the information and materials described at item 1 above.

19 TAC 89.1011(b)-(c); 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]

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Initial Evaluation Required

A district shall conduct an FIIE 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.

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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 FIIE 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 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 but the student was absent three or more school days between the time that the school district received written consent and the last instructional day of the school year, the timeline in item 1 above applies to the date the written report of the FIIE must be completed.

If the district received the written consent for the evaluation from the student's parent less than 35 school days before the last day of the school year, the timeline in item 1, above, applies to the date the written report of the FIIE must be completed.

19 TAC 89.1011(d)-(e)

For purposes of the timelines under this provision, "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. In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year. *19 TAC 89.1011(i)-(j)*

These time frames do not apply if the parent repeatedly fails or refuses to produce the child for the evaluation. *34 C.F.R. 300.301(d)(1)*

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. *34 C.F.R. 300.304(c)(5)*

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another district before the previous district completed the FIIE, 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:

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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.

19 TAC 89.1011(f); Education Code 29.004; 20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e)

Student Communication

The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication. *Education Code 29.004(b)*

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 Subchapter A, 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(a)*

[For additional information on special education of students with dyslexia and related disorders, see EHB.]

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Visual and Auditory Impairments

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Birth Through Age Two

Children from birth through the age of two with visual impairments (VI), who are deaf or hard of hearing (DHH), or who are deaf-blind (DB) must be enrolled at the parent's request by a district when the district becomes aware of a child needing services. The appropriate instructional arrangement [see EHBA] for students from birth through the age of two with VI, DHH, or DB shall be determined in accordance with the individualized family services plan, current attendance guidelines, and the agreement memorandum between TEA and Texas Health and Human Services Commission Early Childhood Intervention (ECI) Services. *19 TAC 89.1005(d)*

Determination of Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) [see EHBAB] committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIIE report indicates that the student would need extended school year services during that summer, the ARD committee must meet as expeditiously as possible after completion of the report.

Parent Copy

A copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility, or not later than June 30 if the district received the 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.

19 TAC 89.1011(g)-(h); Education Code 29.004(a-1)

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[For additional information regarding the evaluation and identification process when dyslexia is a suspected disability, see EHB.]

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

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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)*~~

[See EIF(LEGAL) at Summary of Academic Achievement and Evaluation.]

19 TAC 89.1070

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.

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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.

Observations

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)

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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

14 Years of Age

Not later than the first individualized education program (IEP) to be in effect when a student turns 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the IEP:

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. 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 district in which the student is enrolled;
3. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
4. An appropriate functional vocational evaluation;
5. 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. 1396n(c)]; and
6. 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

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services to foster the student's independence and self-determination, including a supported decision-making agreement under Estates Code Chapter 1357.

Beginning not later than the first IEP to be in effect when the student turns 14 years of age, or younger if determined appropriate by the ARD committee, the IEP must include:

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 .

18 Years of Age

Beginning not later than the first IEP to be in effect when the student turns 18 years of age, the ARD committee must consider and, if appropriate, address the following issues in the student's IEP:

1. Involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:

   a. Is invited to participate by the student or the district in which the student is enrolled; or

   b. Has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code Chapter 1357; and

2. 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.

Annual Review

A student's ARD committee shall review at least annually 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.]

19 TAC 89.1055(k)-(o); 20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011(a-1), .0111

Transition and Employment Designee

The transition and employment designee required of each district must complete the required training as developed by the commissioner of education and provide information about transition re-

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quirements and coordination among parents, students, and appropriate state agencies to ensure that school staff can communicate and collaborate effectively. *19 TAC 89.1075(i)*

Transition and Employment Guide

The Texas Education Agency (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~~or reaching maximum age eligibility described by 19 Administrative Code 89.1035 (Age Ranges for Student Eligibility) terminates a student's eligibility for special education services. For students who graduate and receive a diploma according to 19 Administrative Code 89.1070(b)(2)~~,~~ or (b)(3)(A), (B), or (C) ~~or (f)(4)(A), (B), or (C)~~, the ARD committee must determine needed ~~educational~~special education 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]

19 TAC 89.1070

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 FAPE under state law.

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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)

Driving with Disability Program

A district shall provide information regarding the Texas Driving with Disability Program to students who have a health condition or disability that may impede effective communication with a peace officer and who receive special education services or who are covered by Section 504 and their parents.

The information shall be provided to each student who is 16 years of age or older and annually until the earlier of the student's graduation from high school or 21st birthday.

Education Code 29.0113(a)-(b)

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Parental Consent Not Required

An employee of a district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used for a purpose related to the promotion of student safety under Education Code 29.022. *Education Code 26.009(b)*

Video Surveillance of Special Education Settings

In order to promote student safety, on receipt of an authorized written request, a district shall provide equipment, including a video camera, to the campus in the district specified in the request.

Classroom or Other Setting

A campus that receives equipment shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that:

1. A campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and

2. A campus that receives equipment as a result of the request by a board of trustees, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to Education Code 29.022.

Education Code 29.022(a)

Definitions

“Incident” means an event or circumstance that:

Incident

1. Involves alleged “abuse” or “neglect,” as described in Family Code 261.001, of a student by a staff member of the district or alleged “physical abuse” or “sexual abuse,” as described in Family Code 261.410, of a student by another student; and

2. Allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted.

Other Special Education Setting

“Other special education setting” means a classroom on a separate campus (i.e., a campus that serves only students who receive special education and related services) of a district—including a room attached to the classroom or setting used for time-out—in which a

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majority of the students in regular attendance are provided special education and related services, are assigned to the setting for at least 50 percent of the instructional day, and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Residential care and treatment facility—separate campus; or
2. Off home campus—separate campus.

Parent

"Parent" means a person described in Education Code 26.002, whose child receives special education and related services in one or more self-contained classrooms or other special education settings. "Parent" also means a student who receives special education and related services in one or more self-contained classrooms or other special education settings and who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code, Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

School Business Day

"School business day" means a day that campus or district administrative offices are open.

Self-contained Classroom

"Self-contained classroom" means a classroom on a regular campus (i.e., a campus that serves students in general education and students in special education), including a room attached to the classroom used for time-out, but not including a classroom that is a resource room instructional arrangement under Education Code 48.102, in which a majority of the students in regular attendance are provided special education and related services for at least 50 percent of the instructional day and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Self-contained (mild/moderate/severe) regular campus;
2. Full-time early childhood (preschool program for children with disabilities) special education setting;
3. Residential care and treatment facility—self-contained (mild/moderate/severe) regular campus;
4. Residential care and treatment facility—full-time early childhood special education setting;
5. Off home campus—self-contained (mild/moderate/severe) regular campus; or
6. Off home campus—full-time early childhood special education setting.

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Staff Member — "Staff member" means a teacher, a related service provider, a paraprofessional, a counselor, or an educational aide assigned to work in the self-contained classroom or other special education setting.

Time-out — "Time-out" has the meaning assigned by Education Code 37.0021.

Video Camera — "Video camera" means a video surveillance camera with audio recording capabilities.

Video Equipment — "Video equipment" means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras as required by Education Code 29.022 and 19 Administrative Code 103.1301. "Video equipment" also means any technology and equipment needed to store and access video recordings as required.

19 TAC 103.1301(b); Education Code 29.022

Administrative Coordinator — Each district shall designate an administrator at the primary administrative office of the district with responsibility for coordinating the provision of equipment to schools and campuses. *Education Code 29.022(a-2)*

Authorized Requestors — The following people may request in writing that equipment be provided to a campus at which one or more children receive special education services in a qualifying classroom or setting:

1. A parent of a child who receives special education services for the campus at which the child receives those services;
2. The board of trustees for one or more specified campuses;
3. The principal or assistant principal for their campus; and
4. A staff member assigned to work with one or more children receiving special education services for the campus at which the staff member works.

Education Code 29.022(a-1)

Processing the Request — A written request must be submitted and acted on as follows:

1. A parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the campus addressed in the request, and the principal or designee must provide a copy of the request to the district's designated administrator;
2. A principal must submit a request by the principal to the district's designated administrator; and

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3. A board of trustees must submit a request to the district's designated administrator, and the administrator must provide a copy of the request to the principal or the principal's designee of the campus addressed in the request.

A campus shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy these requirements, for the remainder of the school year in which the campus received the request, unless the requestor withdraws the request in writing.

Education Code 29.022(a-3)-(b)

Video Camera Coverage

The video cameras must be capable of:

1. Covering all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out; and

2. Recording audio from all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

Education Code 29.022(c)-(c-1)

Written Notice

Before a campus activates a video camera in a classroom or special education setting, the campus shall provide written notice of the placement to all campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting.

If for any reason a campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request. Not later than the 10th school day before the end of each school year, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following

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school year unless a person eligible to make a request for the next school year submits a new request.

Education Code 29.022(b), (d)

Retention Period

A district shall retain video recorded from a video camera for at least three months after the date the video was recorded.

If a person requests to view a video recording from a video camera, a district must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, the district or campus shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

Education Code 29.022(e)-(e-1)

Gifts, Grants, and Donations

A district may solicit and accept gifts, grants, and donations from any person to implement the requirements of Education Code 29.022 and 19 Administrative Code 103.1301. A district is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement these requirements. *19 TAC 103.1301(d)*

No Waiver of Immunity

The requirements described by Education Code 29.022 do not:

1. Waive any immunity from liability of a district, or of district officers or employees; or
2. Create any liability for a cause of action against a district or against district officers or employees.

No Monitoring

A district may not:

1. Allow regular or continual monitoring of video recorded under Education Code 29.022; or
2. Use video for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services.

Education Code 29.022(g)-(h)

Confidentiality

A video recording of a student made under this provision is confidential and may not be released or viewed except as provided below.

Limited Release

A district shall release a recording for viewing by:

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1. An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district, on request of the employee;

2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or campus, on request of the parent;

3. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged or suspected abuse or neglect of a child under Family Code 261.406;

4. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioners rule, or a human resources staff member designated by the board in response to a report of an alleged incident or an investigation of district personnel or a report of alleged abuse committed by a student; or

5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording does not violate these confidentiality provisions.

Education Code 29.022(i)-(i-1); 19 TAC 103.1301(h)-(i)

Duty to Report

If a person described by item 4 or 5, above, views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child under Family Code Chapter 261, the person must submit a report to the Texas Department of Family and Protective Services or other authority in accordance with the local policy adopted under 19 Administrative Code 61.1051 (Reporting Child Abuse and Neglect) and Family Code Chapter 261 ~~[see FFG].~~.

Note: 19 Administrative Code 61.1051 was repealed and the requirements were recodified at 19 Administrative Code 103.1401. [See FFG]

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19 TAC 103.1301(j); Education Code 29.022(j)

Material from 19 TAC 61.1051 was moved to 19 TAC 103.1401

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Use in Disciplinary Actions Against District Personnel

If a person described by items 3, 4, or 5, above, views the recording and believes that it documents a possible violation of district or campus policy, the person may allow access to the recording to appropriate legal and human resources personnel of the district to the extent not limited by the Family Educational Rights and Privacy Act (FERPA) or other law. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student may be used in a disciplinary action against district personnel and must be released in a legal proceeding at the request of a parent of the student involved in the incident documented by the recording. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student must be released for viewing by the district employee who is the subject of the disciplinary action at the request of the employee. *19 TAC 103.1301(k)*

Federal Law / FERPA

19 Administrative Code 103.1301(j) (child abuse reporting) and (k) (disciplinary actions against personnel) do not limit the access of a student's parent to a record regarding the student under FERPA or other law. To the extent any provisions in Education Code 29.022 and 19 Administrative Code 103.1301 conflict with FERPA or other federal law, federal law prevails. *19 TAC 103.1301(l)*

District Policy

A district must adopt written policies relating to the placement, operation, and maintenance of video cameras under Education Code 29.022 and 19 Administrative Code 103.1301. At a minimum, the policies must include:

1. A statement that video surveillance is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings;

2. Information on how a person may appeal an action by the district that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeal and expedited review processes under 19 Administrative Code 103.1303 (Commissioner's Review of Actions Concerning Video Cameras in Special Education Settings) and the appeals process under Education Code 7.057;

3. A requirement that the district provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Education Code 29.022(a-3) (at Limited Release, above) that authorizes the request or states the reason for denying the request;

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4. Except as provided by item 6 of this provision, a requirement that a campus begin operation of a video camera in compliance with this provision not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the Texas Education Agency (TEA) grants an extension of time;

5. A provision permitting the parent of a student whose admission, review, and dismissal (ARD) committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

    a. The date on which the current school year ends; or

    b. The 10th school business day after the date of the placement determination by the ARD committee;

6. A requirement that, if a request is made by a parent in compliance with item 5 of this provision, unless TEA grants an extension of time, a campus begins operation of a video camera in compliance with this provision not later than the later of:

    a. The 10th school day of the fall semester; or

    b. The 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made;

7. The procedures for requesting video surveillance and the procedures for responding to a request for video surveillance;

8. The procedures for providing advanced written notice to the campus staff and the parents of the students assigned to a self-contained classroom or other special education setting that video and audio surveillance will be conducted or cease in the classroom or setting, including procedures for notice, in compliance with Education Code 29.022(b), of the opportunity to request continued video and audio surveillance if video and audio surveillance will otherwise cease;

9. A requirement that video cameras be operated at all times during the instructional day when one or more students are present in a self-contained classroom or other special education setting in which video cameras are placed;

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10. A statement regarding the personnel who will have access to video equipment or video recordings for purposes of operating and maintaining the equipment or recordings;

11. A requirement that a campus continue to operate and maintain any video camera placed in a self-contained classroom or other special education setting for as long as the classroom or setting continues to satisfy the requirements in Education Code 29.022(a), for the remainder of the school year in which the campus received the request, unless the requester withdraws the request in writing;

12. A requirement that video cameras placed in a self-contained classroom or other special education setting be capable of recording video and audio of all areas of the classroom or setting, except that no visual monitoring of bathrooms and areas in which a student's clothes are changed may occur. Incidental visual coverage of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is permitted only to the extent that such coverage is the result of the layout of the classroom or setting. Audio recording of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is required;

13. A statement that video recordings must be retained for at least three months after the date the video was recorded and that video recordings will be maintained in accordance with the requirements of Education Code 29.022(e-1), when applicable;

14. A statement that the regular or continual monitoring of video is prohibited and that video recordings must not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety;

15. At the district's discretion, a requirement that campuses post a notice at the entrance of any self-contained classroom or other special education setting in which video cameras are placed stating that video and audio surveillance are conducted in the classroom or setting;

16. The procedures for reporting an allegation to the district that an incident occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted;

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17. The local grievance procedures for filing a complaint alleging violations of Education Code 29.022, and/or 19 Administrative Code 103.1301; and

18. A statement that video recordings made under Education Code 29.022 and 19 Administrative Code 103.1301 are confidential and a description of the limited circumstances under which the recordings may be viewed.

19 TAC 103.1301(g)

Governmental Record

A video recording under this section is a governmental record only for purposes of Penal Code 37.10.

Operation of Camera

These provisions apply to the placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services.

A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

Education Code 29.022(s)-(t)

Exclusions

A district is not required to provide video equipment to a campus of another district or charter school or to a nonpublic school. *19 TAC 103.1301(c)*

Dispute Resolution

The special education dispute resolution procedures in 34 Code of Federal Regulations 300.151-.153 and 300.504-.515 do not apply to complaints alleging that a district has failed to comply with Education Code 29.022 and 19 Administrative Code 103.1301. Complaints alleging violations of those sections must be addressed through the district's local grievance procedures or other dispute resolution channels. *19 TAC 103.1301(e)*

Denial of Request

The following standards and procedures apply to a denial of a request for placement of a video camera under Education Code 29.022(a), or to the denial of a request to release a video or to view a video made under Education Code 29.022(i) or (l)(2).

Exhaustion of Administrative Remedies

Once a request for placement of a video camera or a request to release a video is administratively denied, the requester must exhaust administrative remedies through the district's grievance process even if the requester opts for the expedited review process. However, a district, parent, staff member, or administrator may request an expedited review even before the local remedies are exhausted.

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After local remedies are exhausted by filing a grievance with the board and obtaining a board determination, the requester may appeal the denial to the commissioner of education under Education Code 7.057 by filing a petition for review.

Proper Request

In a case where there is a denial of a request for the placement of a video camera, the commissioner will determine whether the person requesting placement is a person allowed to request placement under Education Code 29.022(a-1) (see Limited Release, above) and whether the requester made a proper request under Education Code 29.022(a-3) (see Processing the Request, above).

Cost

The commissioner will not consider the cost to the district of installing cameras or releasing video.

Release Determination

In a case where there is a denial of a request to release a video, the commissioner will determine whether the requester is a person allowed to receive a video under Education Code 29.022(i) (described at Limited Release, above).

Timelines for Petition for Review

The following timelines are established for filing a petition for review:

1. A petition for review shall be filed with the commissioner within 10 calendar days of the decision of the board denying the request being first communicated to the requester or requester's counsel, whichever occurs first. The petition for review shall be made in accordance with 19 Administrative Code 157.1073(c) (hearings brought under Education Code 7.057) and may include a request for expedited review.

2. The district's answer and local record shall comply with 19 Administrative Code 157.1052(b) and (c) and 19 Administrative Code 157.1073(d) and shall be filed with the commissioner within 10 calendar days of the district receiving notification from the commissioner of the appeal.

3. The procedures specified in 19 Administrative Code 157.1059; .1061; and .1073(e)-(h), (j), and (k) apply to a case brought to the commissioner under this section.

Expedited Review

A request for expedited review is governed by the following.

1. The expedited review process is designed to allow a requester to promptly receive a preliminary judgment from the commissioner as to a decision to deny a request for the installation of cameras or a decision to deny a request to release a video while at the same time respecting the school grievance process. The expedited review process does not apply to a request to only view a video. Invoking the expedited review

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process results in a prompt initial determination. However, the final commissioner's determination is to be based on a substantial evidence review of the district's grievance record. This allows for a full record to be developed at the district level and does not require the requester and the district to make an evidentiary record before TEA in Austin, Texas. Because the requirements of Education Code 7.057 are met when the board's decision is heard by the commissioner, an appeal to district court is allowed under Education Code 7.057(d). Education Code 29.022 does not by itself allow an appeal to district court.

2. A district, parent, staff member, or administrator may request an expedited review. Any request for an expedited review shall include the names, telephone numbers, and addresses of all interested parties to the request. “Interested parties” are all persons who brought the grievance, all persons who have testified or provided written statements as part of the grievance process, and the district. The request for expedited review shall specify whether the district denied a request for the placement of a video camera or the district denied a request to release a video and briefly describe why that decision is either correct or incorrect.

3. A request for expedited review shall be filed with the commissioner no earlier than 14 business days after a request for placement of a video camera or a request to release a video is administratively denied under Education Code 29.022(i) or (l)(2) (see Limited Release and Process, above), and no later than the fifth business day after a board resolves a grievance as to a request for placement of a video camera or a request to release a video. A request for expedited review shall be filed with the commissioner electronically as provided on TEA’s Division of Hearings and Appeals website or by U.S. Mail, facsimile, hand-delivery, or by a commercial delivery service.

4. Whenever an interested party files a document with the commissioner, with the exception of the request for expedited review, the interested party shall send the same document to all other interested parties by the same method that the document was sent to the commissioner. Hand-delivery of the document by the next day may be substituted for service by facsimile delivery.

5. If a request for expedited review is timely filed, the commissioner will establish a briefing schedule and will send to all interested parties a notice that an expedited review has been

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filed, which will include relevant statutes and rules. Any interested party who knows of any additional interested parties who have not been notified will promptly inform the commissioner in writing.

6. All briefing shall clearly state the facts relied upon. Documents relevant to the issues presented may be attached to a brief. All briefing shall provide the reasons why the commissioner should or should not grant the request for expedited review. Citations to statutes, rules, commissioner decisions, and case law are important to identify the legal basis for the claims made.

7. All interested parties who are in favor of granting the request for expedited review shall file briefing at the time specified for the requester of the expedited review.

8. All interested parties who are opposed to granting the request for expedited review shall file briefing at the same time.

9. Briefing is not limited to the issues specifically raised in the pleadings in the case. However, no new arguments may be raised in the reply briefs. Reply briefs may contain new citations to the record and legal authority as to issues previously raised.

10. A preliminary judgment shall be issued based on the briefing of the interested parties. The preliminary judgment will be sent to the requestor, the district, and all interested parties. If it is determined that a district is not likely to prevail on the issue of a request for the placement of video cameras or the issue of a request to view a video under full review, the district will fully comply with Education Code 29.022.

11. After a preliminary judgment is made, a final judgment will be made in accordance with the procedures set forth in 19 Administrative Code 103.1303(b)(1)-(5) (the Denial of Request Review process).

19 TAC 103.1303(b)

Extension of Time

A request by a district for an extension of time to begin the operation of a video camera under Education Code 29.022 shall be made and decided using the following procedures.

Request

Any request by a district for an extension of time to begin the operation of a video camera shall be filed with the commissioner prior to the 45th school business day after a request to begin operating a video camera is received. However, a district should request an

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extension of time as soon as it determines that an extension of time should be filed.

A request for an extension of time to begin the operation of a video camera shall specify why an extension of time should be granted. The request shall include affidavits supporting any factual claims made in the request and reference any legal authority as to why the request should be granted. The request may include a request for expedited review. The request shall name the individual who requested the installation of cameras and provide the individual's address and telephone number. Immediately following the individual's address and telephone number there shall appear in bold type: "You have been identified as the individual who requested the operation of a video camera that is the subject of this request to the commissioner of education to extend the statutory timeline. You may, but are not required to, participate in the proceedings before the commissioner concerning the school district's request for an extension of time. It is entirely up to you whether and to what extent you wish to participate in these proceedings. The procedures governing these proceedings are found at 19 Texas Administrative Code 103.1303(c) and Texas Education Code 29.022."

A request for an extension of time to begin the operation of a video camera shall list the names, telephone numbers, and addresses of all interested parties to the request. All interested parties include all parents of students in the classroom or other special education setting for which a video camera has been requested and all staff who provided services in a classroom for which a video camera has been requested.

Filing Documents

All documents in a case shall be filed with the Division of Hearings and Appeals, Texas Education Agency, 1701 N. Congress Ave., Austin, Texas 78701, facsimile number (512) 475-3662. Documents shall be filed electronically as provided on the division's website or by mail, delivery, or facsimile. All documents must be actually received by the Division of Hearings and Appeals by the date specified in this section. The mailbox rule does not apply to filings in a case filed under this subsection. Electronic filing is strongly encouraged.

All filings in a case shall be sent to the district, the individual who initially requested the installation of the cameras, and all interested parties who have filed a request to receive documents filed in the case by the same method as the request is filed with the commissioner. Due to the requirements of FERPA, the names, telephone numbers, and addresses of parents and other publicly identifiable student information may not be given to the interested parties. The

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copies of the filings sent to interested parties shall be redacted to remove all personally identifiable student information.

Filing Responses

Any response to a request for an extension of time to begin the operation of a video camera shall be filed with the commissioner by an interested party within 10 calendar days of the filing of the request. If no response to the request is timely filed, the commissioner shall issue a final decision within 20 calendar days of the filing of the request.

A response to a request for an extension of time to begin the operation of a video camera shall specify why an extension of time should or should not be granted. The response shall include affidavits concerning any factual claims made in the request and reference any legal authority as to why the request should or should not be granted. The response may include a request for expedited review.

Expedited Review

A request for expedited review must be filed with the commissioner within 10 calendar days of the filing of the request for an extension of time to begin the operation of a video camera. If a request for expedited review is made, all interested parties shall be notified that they have been identified as interested parties in the request for an extension of time to begin the operation of a video camera. In particular, the interested parties will be informed that it is their choice whether to participate in the proceedings before the commissioner, that it is entirely up to them to determine to what extent they wish to participate in the proceedings, that the procedures governing these proceedings are found in 19 Administrative Code 103.1303 and Education Code 29.022, and that upon their written request filed with the commissioner they will be sent all filings in this case.

If a request for an expedited review is not made, the commissioner shall issue a final decision within 45 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

If a request for expedited review is made, the following procedures shall be followed:

1. Any reply by the district to any response to the request shall be filed with the commissioner within 25 calendar days of the

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filing of the request for an extension of time to begin the operation of a video camera.

2. A preliminary judgment shall be made by the commissioner within 35 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.

3. Any interested party or the district may file objections to the preliminary judgment within 40 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.

4. Any reply to an objection to a preliminary judgment must be filed within 45 calendar days of the filing of a request for an extension of time to begin the operation of a video camera.

5. The commissioner shall issue a final decision within 55 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

Commissioner Consideration

In making either a preliminary judgment or a final judgment under this subsection, the commissioner will consider whether granting the requested extension is reasonable considering all factors, including contracting statutes, architectural and structural issues, and the difference in costs to the district if a moderate extension of time is granted.

No Appeal

A commissioner's final decision under this provision is not subject to appeal.

19 TAC 103.1303(c)

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Revisions throughout due to amendments to several Texas Administrative Code rules relating to bilingual/ESL programs.

Title III Requirements

A district that receives funds under Title III of the Elementary and Secondary Education Act shall comply with the statutory requirements regarding English learners and immigrant students. *20 U.S.C. 6801-7014*

A district that receives funds under Title I or Title III to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform the parents of an English learner identified for participation in such a program of the information required by 20 U.S.C. 6312(e)(3). *20 U.S.C. 6312(e)(3)*

Definitions

~~"~~Alternative ~~language program~~Methods

"Alternative methods" means a temporary instructional plan that meets the affective, linguistic, and cognitive needs of emergent bilingual (EB) students and equips the teacher under a bilingual ~~education~~ exception or an English as a second language (ESL) waiver to align closely to the required bilingual or ESL program through the comprehensive professional development plan.

Certified Bilingual Program Teacher

"Certified bilingual ~~education~~program teacher" means a teacher holding bilingual certification and appropriately certified ~~in bilingual education as well as~~ for the grade level and content area. The term "certified bilingual program teacher" is synonymous with the term "professional bilingual educator" used in Education Code 29.063.

Certified English as a Second Language Teacher

"Certified English as a second language teacher" means a teacher appropriately certified in ESL as well as for the grade level and content area. The term "certified English as a second language teacher" is synonymous with the term "professional transitional language educator" used in Education Code 29.063.

Dual Language Immersion Program

"Dual language immersion (DLI) program" means a state-approved bilingual program ~~model~~ in accordance with Education Code 29.066 that uses English and a partner language. The two state-approved DLI program models are one-way DLI and two-way DLI.

Emergent Bilingual

"Emergent bilingual ~~student"~~(EB)" means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English. "Emergent bilingual ~~student~~" also means a student identified by the ~~language proficiency assessment committee~~Language Proficiency Assessment Committee (LPAC) who is in the process of acquiring English and has another language as the student's ~~primary or~~ home language. This term is interchangeable with English learner as used in federal regulations and replaces the term "limited English proficient student."

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English as a Second Language Program	"English as a second language (ESL) program" means a special language program in accordance with Education Code, Chapter 29, Subchapter B~~.~~, to include both content-based and pull-out program models. Another related term for an ESL program is "English as an additional language program."
English Proficient Student	"English proficient student" means a former ~~emergent bilingual~~EB student who has met reclassification as English proficient by the LPAC.
Exit	"Exit" refers to the point when ~~a student is no longer classified as~~ an ~~emergent bilingual student (i.e., the~~EB student is reclassified~~)~~ as English proficient and ~~the student~~ ends bilingual or ESL program participation with LPAC recommendation and parental approval~~ and based on the recommendation of the LPAC.~~. The term "exit" is synonymous with the description in Education Code, Chapter 29, ~~of "transferring~~Subchapter B, of a student having been "transferred" out" of bilingual or special language programming. For the purpose of meeting the goals of a DLI program, the LPAC ~~may recommend continued program participation beyond reclassification~~recommends that the EB student is reclassified as English proficient but continues participation in the program to further develop biliteracy for the duration of the program for prekindergarten through grade 12.
~~"~~Language ~~proficiency assessment committee~~Proficiency Assessment Committee	"Language Proficiency Assessment Committee" means a designated group of committee members as described in 19 Administrative Code 89.1220 (relating to Language Proficiency Assessment Committee) and Education Code 26.063 that ensures the appropriate identification, placement, assessment, services, reclassification, and monitoring of ~~emergent bilingual~~EB students. The LPAC also meets in conjunction with all other committees related to programs and services for which an ~~emergent bilingual~~EB student qualifies.
Parent	"Parent" includes the parent or legal guardian of the student in accordance with Education Code 29.052~~.~~(2).
Reclassification	"Reclassification" means the process by which the LPAC determines that an ~~emergent bilingual~~EB student has met the appropriate criteria to be classified as English proficient, and the student enters year 1 of monitoring as indicated in the Texas Student Data System Public Education Information Management System. *Education Code 29.052; 19 TAC 89.1203(1), (3)-(4), (6), (8)-(9), (11~~)-(12), (14), (17), (21~~), (13), (16), (19), (22)*

District Responsibility

Each district shall:

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1. Identify ~~emergent bilingual~~EB students based on criteria established by the state;
2. Provide bilingual education, including bilingual and ESL programs as integral parts of the general program;
3. Seek appropriately certified teaching personnel to ensure that ~~emergent bilingual~~EB students are afforded full opportunity to master the essential knowledge and skills; and
4. Assess academic achievement and linguistic progress in accordance with Education Code Chapter 29, Subchapter B, to ensure accountability for ~~emergent bilingual~~EB students and the schools that serve them.

19 TAC 89.1201(a)

Identification of Emergent Bilingual Students

Within the first four weeks of the first day of school, the LPAC shall determine and report to the board the number of ~~emergent bilingual~~EB students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. A board shall report that information to the Texas Education Agency (TEA) before November 1 each year. *Education Code 29.053(b)*

Language Proficiency Assessment Committees

A district shall by local board policy establish and operate one or more LPACs. The district shall have on file a policy and procedures for the selection, appointment, and orientation of members of the LPAC(s).

A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four calendar weeks of the enrollment of an ~~emergent bilingual~~EB student.

19 TAC 89.1220(a), (e)

Membership of LPAC

The LPAC shall include:

1. An appropriately certified bilingual educator (for students served through a bilingual ~~education~~ program);
2. An appropriately certified ESL educator (for students served through an ESL program);
3. A parent of an ~~emergent bilingual~~(EB) student participating in a bilingual or ESL program; and
4. A campus administrator.

A district may add other ~~trained~~ members to the committee.

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All required members of an LPAC must be present either in person or virtually to make individualized student decisions.

No parent serving on the LPAC shall be an employee of the district.

All members of the LPAC, including parents, shall be acting for the district and shall observe all laws and rules governing confidentiality of information concerning individual students. A district shall be responsible for the orientation of all members, including the parents, of the LPAC.

Meetings

The LPAC may use alternative meeting methods, such as phone or video conferencing and the use of electronic signatures that adhere to district policy.

19 TAC 89.1220(b)-(d), (f); Education Code 29.063(a)-(b);

Duties

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)-(i), (k), including duties to review information, classify students, notify parents, and monitor student academic progress.

Home Language Survey

~~A district shall administer only the TEA-developed home language survey to~~For each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through grade 12~~.~~, the TEA-developed home language survey shall be administered. This home language survey will serve as the original and only home language survey throughout the student's educational experience in Texas public schools.

The district shall ~~require~~:

1. Ensure that the student's parent understands the language used in the survey and its implications;

2. Require that the survey be signed by the student's parent for each student in prekindergarten through grade 8~~,~~ or by the student in grades 9 ~~through~~ -12~~.~~ ;

3. ~~It is the district's responsibility to ensure that the student's~~ Ensure the student's parent ~~understands~~is aware of the benefits of bilingual and ESL programs; and

4. Maintain the ~~language used in the survey and its implications. The~~ original copy of the survey ~~shall be kept~~ in the student's permanent record and ~~transferred~~transfer it to any subsequent Texas public school districts in which the student enrolls.

If the response on the home language survey indicates that a language other than English is or was used for communication, the

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student shall be tested in accordance with 19 Administrative Code 89.1226 (Testing and Classification of Students).

If a parent determines an error was made when completing the original home language survey, the parent may request a correction only if the student has not yet been assessed for English proficiency; and corrections are made within two calendar weeks of the student's initial enrollment date in Texas public schools.

19 TAC 89.1215(a), (c), (e)

English Language Proficiency Testing

Within four calendar weeks of initial enrollment in a Texas public school, a student with a language other than English indicated on the home language survey shall be administered the state-approved English language proficiency test in accordance with 19 Administrative Code 89.1226(c) and shall be identified as ~~emergent bilingual~~an EB student and recommended for placement into the required bilingual ~~education~~ or ESL program in accordance with the testing and classification requirements in 19 Administrative Code 89.1226(f). *19 TAC 89.1226(b)*

Emergent Bilingual Classification

The LPAC may classify a student as ~~emergent bilingual~~EB if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

Parental Notice and Consent

Not later than the 10th day after the date of the student's classification as an ~~emergent bilingual~~EB student, the LPAC shall give written notice to the student's parent. *Education Code 29.056(d)*

The district shall notify the parent in English and in the parent's ~~primary~~home language that their child has been identified as an ~~emergent bilingual~~EB student and recommended for placement in

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the required bilingual ~~education~~ or ESL program using the TEA-developed identification and placement letter.

The ~~entry or~~parent shall be provided information describing the bilingual or ESL program recommended, its benefits and goals, and its being an integral part of the school program to ensure that the parent understands the purposes and content of the program and their parental rights.

The placement of a student in the bilingual ~~education~~ or ESL program must be approved in writing by the student's parent or through allowable alternatives described in 19 Administrative Code 89.1220, in order to have the student included in the bilingual education allotment~~.~~ (BEA). The parent's approval shall be considered valid for the student's continued participation in the required bilingual ~~education~~ or ESL program until the student meets the reclassification criteria described in 19 Administrative Code 89.1226(i) (Testing and Classification of Students), the student graduates from high school, or a change occurs in program placement. A change between bilingual ~~education~~ and ESL program placement requires new parental approval using the TEA-developed ~~change in placement~~continuation of language program services letter.

If a parent denies program placement at any point, the TEA-developed parental denial of program services letter shall be used to ensure parents are informed of the implications of program denial, including understanding that the child will continue to be identified as an ~~emergent bilingual~~EB student and will continue to be assessed annually using the Texas English Language Proficiency Assessment System (TELPAS) until reclassification criteria have been met.

~~The district shall use the TEA-developed letter to give written notification to the student's parent of the student's reclassification as English proficient and acquire written approval for his or her exit from the bilingual education or ESL program. Students meeting reclassification criteria who have been recommended for exit by the LPAC may only exit the bilingual education or ESL program with parental approval. Parental approval is also required for students participating in a dual language immersion program who have met reclassification criteria and for whom the LPAC has recommended continued program participation as an English proficient student.~~

19 TAC 89.1240(a~~)-(b); Education Code 29.056(a~~)

Pending completion of the identification process, receipt of LPAC documentation for transferring students, or parental approval of an identified ~~emergent bilingual~~EB student's placement into the bilin-

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gual education or ESL program recommended by the LPAC, a district shall place the student in the recommended program. Only ~~emergent bilingual~~EB students with parental approval for program participation will be included in the bilingual education allotment.

A district may place a student in or exit a student from a program without written approval of the student's parent if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent provides approval through a phone conversation or email that is documented in writing and retained; or
3. An adult who the district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.

19 TAC 89.1220(j), (m)

Reclassification and Exit Approval

The district shall use the TEA-developed parent notification of reclassification and approval of program exit letter to give written notification to the student's parent of the student's reclassification as English proficient and acquire written approval for their exit from the bilingual or ESL program.

The district shall use the TEA-developed parent notification of reclassification and option to continue in a dual language immersion program letter to give written notification to the student's parent of the student's reclassification as English proficient and acquire written approval for continued program participation as an English proficient student.

Students meeting reclassification criteria who have been recommended for exit by the LPAC may only exit the bilingual or ESL program with parental approval.

19 TAC 89.1240(b); Education Code 29.056(a)

Participation of Other Students

With the approval of a district and a student's parents, a student who is not LEP may also participate in a bilingual education program. *Education Code 29.058*

The number of participating non-~~emergent bilingual~~ EB students shall not exceed 40 percent of the number of students enrolled in ~~the~~those bilingual ~~education~~or ESL program models district-wide. *19 TAC 89.1233(c)*

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Students with Disabilities

For students with disabilities, a district shall utilize the state's criteria for identification of ~~emergent bilingual~~EB students as described in 19 Administrative Code 89.1226(f) (relating to Testing and Classification of Students) and shall establish placement procedures that ensure that the placement recommendation by the LPAC, in conjunction with the admission, review, and dismissal (ARD) committee, in a bilingual ~~education~~ or English as a second language program is not refused based on the student's disabling condition.

LPAC members shall meet in conjunction with ARD committee members to review progress and provide recommendations regarding the educational needs of each ~~emergent bilingual~~EB student who also qualifies for services in the district's special education program. [See EHBAB] *19 TAC 89.1230*

Bilingual and ESL Programs

Each district that has an enrollment of 20 or more students identified as ~~emergent bilingual~~EB students in any language classification in the same grade level district-wide shall offer a bilingual ~~education~~ program for the ~~emergent bilingual~~EB students in prekindergarten through the elementary grades with that language classification. "Elementary grades" shall include ~~at least~~ prekindergarten through grade 5; ~~sixth~~ grade 6 shall be included when clustered with elementary grades.

A district required to provide a bilingual ~~education~~ program shall offer dual-language instruction (English and ~~primary~~home or partner language) in prekindergarten through the elementary grades, using one of the four bilingual program models described in 19 Administrative Code 89.1210 (relating to Program Content and Design).

19 TAC 89.1205(a)-(b); Education Code 29.053(c)-(d)

A district shall provide an ESL program to all ~~emergent bilingual~~EB students for whom a district is not required to offer a bilingual ~~education~~ program, regardless of the students' grade levels and ~~primary~~home language, and regardless of the number of such students, except in cases where a district exercises the option to provide a bilingual education program that is not required by law [see below]. A district required to provide an ESL program shall provide an ESL program using one of the two models described in 19 Administrative Code 89.1210.*19 TAC 89.1205(c)-(d)*

A district is authorized to establish a bilingual ~~education~~ program even if the district has fewer than 20 students identified as ~~emergent~~EB bilingual students in any language classification in the same grade level district-wide and ~~is not required to do so under the law. A district is also authorized to establish bilingual education programs~~ at grade levels ~~at~~in which the ~~district~~bilingual program is

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not required under ~~the law to establish bilingual programs.~~19 Administrative Code 89.1205(a). If a district does operate such a program under this authorization, the district shall adhere to all program requirements in 19 Administrative Code 89.1210, .1227, .1228, and .1229. *19 TAC 89.1205(f)-(g)*

Exceptions and Waivers

A district shall comply with the requirements for bilingual ~~education~~ exceptions and ESL waivers under 19 Administrative Code 89.1207. *Education Code 29.054; 19 TAC 89.1207*

A district that is unable to employ a sufficient number of teachers, including part-time teachers, who meet the certification requirements for the bilingual ~~education~~ and ESL ~~program~~programs shall apply on or before November 1 for an exception ~~or~~to the bilingual program or a waiver ~~to the certification requirement on or before November 1~~for the ESL program as provided in 19 Administrative Code 89.1207. *19 TAC 89.1245(b)*

Program Design

A district that is required to offer ~~a~~ bilingual education through bilingual or ESL program models shall provide each ~~emergent bilingual~~ EB student the opportunity to be enrolled in the required program at ~~his or her~~their grade level.

A district's bilingual ~~education or~~and ESL program models shall comply with the program content and design requirements of 19 Administrative Code 89.1210. A district shall ~~provide for~~ensure ongoing ~~coordination~~collaboration between ~~the~~ bilingual ~~or~~and ESL ~~program~~programs and the general education programs to provide equitable educational ~~program.~~ access for all learners.

19 TAC 89.1210(a)-(b)

~~Emergent bilingual~~EB students shall participate with their non-~~emergent bilingual~~EB peers in general education classes provided in subjects such as art, music, and physical education. A district shall provide students enrolled in the program a meaningful opportunity to participate fully with other non-~~emergent bilingual~~EB peers in all extracurricular activities. Elective courses included in the curriculum may be taught in a language other than English. *Education Code 29.055, .057(b); 19 TAC 89.1210(f)*

Bilingual Education Program Models

~~The bilingual~~Bilingual education ~~program~~ shall be implemented through at least one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/one-way; or
4. Dual language immersion/two-way.

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19 TAC 89.1210(c)

ESL Program Models

The ESL program shall be implemented through one of the following program models:

1. An ESL/content-based program model is an English acquisition program that serves students identified ~~as emergent bilingual~~EB students through English instruction by a teacher appropriately certified in ESL under Education Code 29.061(c), using content-based language instruction in reading and language arts, mathematics, science, and social studies. The goal of content-based ESL is for ~~emergent bilingual students~~program participants to attain full proficiency in English in order to participate equitably in school.

2. An ESL/pull-out program model is an English acquisition program that serves ~~students~~ identified ~~as emergent bilingual~~EB students through English instruction using content-based language instruction methods provided by an appropriately certified ESL teacher under Education Code 29.061(c), ~~through English~~in reading and language arts in a pull-out or inclusionary delivery setting. The goal of ESL pull-out is for ~~emergent bilingual students~~program participants to attain full proficiency in English in order to participate equitably in school.

19 TAC 89.1210(d)

Dual Language Immersion Program

A district may adopt a DLI program for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

Implementation

Program implementation shall:

1. Begin at prekindergarten, kindergarten, or grade 1 as applicable, according to the district's earliest grade level provided;

2. Continue without interruption incrementally through the elementary grades;

3. Consider expansion to middle school and high school whenever possible; and

4. Include participation of former ~~emergent bilingual~~EB students who have reclassified as English proficient for the duration of the program.

19 TAC 89.1227(e)

Requirements

A DLI program model shall be a full-time program of academic instruction in the program's partner language and English for all program participants, emphasizing the participation of identified ~~emergent bilingual~~EB students. Access to the DLI program shall not be

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restricted based on race, creed, color, religious affiliation, age, or disability.

A DLI program shall meet the minimum requirements described in 19 Administrative Code 89.1227.

19 TAC 89.1227(b)

Two-Way DLI Program Enrollment

Student enrollment in a two-way DLI program model is optional for non-~~emergent bilingual~~EB students. The program shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability. Additionally, identified ~~emergent bilingual~~and reclassified EB students and non-~~emergent bilingual~~EB students shall not be restricted access to the two-way DLI program model based on any linguistic or academic achievement measures in the program's partner language or English.

A district implementing a two-way DLI program model shall develop a policy ~~on~~for enrollment and continuation for students in the program model. The policy must address:

1. Equitable access, including the program's intention to maintain a ratio of 50 percent ~~emergent bilingual~~EB students to 50 percent non-~~emergent bilingual~~EB students and have no more than two-thirds speakers of the partner language to one-third speakers of English in each classroom;

~~2. Program goals and benefits;~~

2. Support of program benefits and goals as stated in 19 Administrative Code 89.1210 (Program Content and Design);

3. The district's commitment to providing equitable access to services for ~~emergent bilingual~~EB students and to ensuring continuity of program for all program participants;

4. The program's language allocation plan for the grade levels in which the program will be implemented; and

~~5. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and~~

~~6.~~5. Expectations for students ~~and parents~~, families, and district and campus stakeholders.

19 TAC 89.1228(a)-(c)

A district implementing a two-way DLI program model shall obtain written parental approval as follows:

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1. For ~~emergent bilingual~~EB students in accordance with 19 Administrative Code 89.1240; and

2. For non-~~emergent bilingual~~EB students, through a district-developed process.

19 TAC 89.1228(d)

Two-Way DLI Program State Assessment

A district implementing a two-way DLI program model shall determine the appropriate assessment option for program participants as follows:

1. For ~~emergent bilingual~~EB students, the LPAC shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each ~~emergent bilingual~~EB student in accordance with 19 Administrative Code 89.1220(i) (Language Proficiency Assessment Committee).

2. For reclassified EB students and non-~~emergent bilingual~~EB students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined by the LPAC or through a district-developed process.

19 TAC 89.1228(e)

School District Recognition

A district may recognize one or more of its ~~schools~~campuses that implement an exceptional DLI program if the ~~school~~campus meets all of the following criteria. The school shall:

1. ~~The school must meet~~Meet the minimum requirements stated in 19 Administrative Code 89.1227~~.~~;

2. ~~The school must receive~~Receive an acceptable performance rating in the state accountability system~~.~~; and

3. ~~The school must not be~~ Not have a bilingual and/or ESL program identified ~~for~~in any stage of intervention ~~for the district's bilingual and/or ESL program~~ under the state's accountability system.

Student Recognition

~~A~~An individual student participating in a DLI ~~program or any other state-approved bilingual or ESL program may be recognized by the program and the board by earning~~is eligible for local school district recognitions, including a performance acknowledgement in accordance with 19 Administrative Code 74.14. [See EIF]

19 TAC 89.1229

Facilities

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Bilingual ~~education~~ and ESL programs shall be located in public schools of the district with equitable access to all educational resources rather than in separate facilities. A district may ~~concentrate~~cluster the programs at ~~a limited number of~~designated facilities within the district. Recent immigrant ~~emergent bilingual~~EB students shall not remain enrolled in a newcomer center for longer than two years. *Education Code 29.057; 19 TAC 89.1235*

Cooperation Among Districts

A district may join with one or more other districts to provide the required bilingual education or special language programs. The availability of the programs shall be publicized throughout the districts involved.

A district may allow a nonresident ~~emergent bilingual~~EB student to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

Education Code 29.059; 19 TAC 89.1205(e)

Documentation

A student's permanent record shall contain the documentation items required by 19 Administrative Code 89.1220(l). Documentation in a student's permanent record shall be forwarded in the same manner as other student records to another school district in which the student enrolls. *19 TAC 89.1220(l)*

For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the original home language survey and LPAC documentation as described in 19 Administrative Code 89.1220(l), as applicable. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's original home language survey shall be made. *19 TAC 89.1215(d)*

Summer Program

If a district is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for ~~emergent bilingual~~EB children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the board. A school that operates on any other system shall offer 120 hours of instruction on a schedule ~~established~~approved by the board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the

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student/teacher ratio may not exceed 18:1. A district shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

Other Programs

A district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual education or special language programs for ~~emergent bilingual~~EB students and may join with other districts in establishing such programs.

The programs required or authorized by Education Code 29.060 may not be a substitute for programs required to be provided during the regular school year.

Education Code 29.060; 19 TAC 89.1250

Personnel

Teachers assigned to a bilingual education program using one of the following program models must be appropriately certified in bilingual education:

1. Transitional bilingual/early exit program model; or
2. Transitional bilingual/late exit program model.

Education Code 29.061(b)

Teachers assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified for:

1. Bilingual education for the component of the program provided in a language other than English; and
2. Bilingual education or English as a second language for the component of the program provided in English.

A district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified for the language other than English component of the program and a different teacher certified for the English language component.

Education Code 29.061(b-1)-(b-2)

A district shall take all reasonable affirmative steps to assign appropriately certified teachers to the required bilingual ~~education~~ and ESL programs. A district that is unable to secure a sufficient number of appropriately certified bilingual education and/or ESL teachers to provide the required programs may request activation of the appropriate permits in accordance with 19 Administrative Code Chapter 230. *19 TAC 89.1245(a); Education Code 29.061(c)*

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A district that is unable to provide the required bilingual ~~education~~and/or ESL program because of an insufficient number of appropriately certified teachers shall request from the commissioner of education an exception to the bilingual ~~education~~ program and/or a waiver for the ESL program and the approval of ~~a~~ temporary alternative ~~language program. Emergent bilingual~~methods. EB students with parental approval for program participation under a bilingual ~~education~~ exception or an ESL waiver will be included in the bilingual education allotment (BEA) designated for ~~an~~temporary alternative ~~language program.~~methods. The approval of ~~an~~a bilingual exception ~~to the bilingual education program~~and/or an ESL waiver application shall be valid only during the school year for which it was granted~~. A request for a~~, which includes summer school. The bilingual ~~education program~~ exception ~~must~~and/or ESL waiver application shall be submitted by November 1 and shall adhere to the requirements in 19 Administrative Code 89.1207. [See Exceptions and Waivers, above] *19 TAC 89.1207(a)-(~~b~~d); Education Code 29.054*

Emergent Bilingual Students and State Assessments

In kindergarten-grade 12, an ~~emergent bilingual~~EB student shall participate in the state assessment in accordance with commissioner's rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]

Program Exit

A district may transfer an ~~emergent bilingual~~EB student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;

2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and

3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g)

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~~Notice to Parents~~

~~A district shall give written notification to the student's parent of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program and acquire written approval. Students meeting reclassification requirements may continue in the bilingual education or ESL program with parental approval. *19 TAC 89.1240(b)*~~

Post-Exit Monitoring and Reenrollment

~~The language proficiency assessment committee~~The LPAC may reenroll the student in the program if later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement. Classification of students for reenrollment must be based on the criteria required by Education Code 29.056. *Education Code 29.056(h)*

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

Program Evaluation

A district that is required to implement a bilingual education or ESL program shall conduct an annual evaluation in accordance with 19 Administrative Code 89.1265. The annual evaluation report shall

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be presented to the board before November 1 of each year. The report shall be retained at the district level and must meet the requirements of 19 Administrative Code 89.1265(b)-(c).

A district shall report to parents ~~the progress of~~ their ~~child in acquiring~~child's English proficiency development as a result of participation in the program offered to ~~emergent bilingual~~EB students.

In alignment with the district improvement plan, each school year, the principal of each campus, with assistance from the campus level committee, shall develop, review, and revise the campus improvement plan for the purposes of improving student performance for ~~emergent bilingual~~EB students. [See BQB]

19 TAC 89.1265

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Changes throughout due to revisions to Texas Administrative Code rules.

Distance Learning and Correspondence Courses

Credit toward state graduation requirements may be granted for distance learning and correspondence courses only as follows:

1. The institution offering the correspondence course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the commissioner of education.
2. Students may earn course credit through distance learning technologies such as satellite, internet, two-way videoconferencing, online courses, the Texas Virtual School Network (TXVSN), and instructional television.
3. The distance learning and correspondence courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

Texas Virtual School Network

The TXVSN is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TXVSN is a partnership network administered by the Texas Education Agency (TEA) in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities.

The TXVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

19 TAC 70.1001(4)

Online School (OLS) Program

"Online School (OLS) program" is a full-time, virtual instructional program that is made available through an approved course provider and is designed to serve students in grades 3-12 who are not physically present at school. *19 TAC 70.1001(7)*

A TXVSN OLS may serve students in grades 3-12 but may not serve students in kindergarten-grade 2.

A school district that operates a TXVSN OLS that serves students in full-time virtual instruction shall, prior to the start of each academic year, notify TEA of grade levels to be served and the total number of students to be served during that academic year. A school district may not add grade levels after the start of the school year.

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A TXVSN OLS or a school district wishing to add additional grade levels to its online program shall certify that the OLS has courses sufficient to comprise a full instructional program for each additional grade level to be served by the OLS prior to serving that grade level.

School districts approved to serve as TXVSN OLSs shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TXVSN OLS students.

School districts serving as TXVSN OLSs must follow all requirements in 19 Administrative Code 70.1011.

19 TAC 70.1011

Statewide Course Catalog

"Statewide course catalog" is a supplemental online ~~high school~~ instructional program available through approved providers. *19 TAC 70.1001(10)*

Course Providers

A TXVSN course provider is an entity that provides an electronic course through the TXVSN. Course providers include TXVSN OLSs and providers in the statewide course catalog. *19 TAC 70.1001(8)*

Electronic Course

"Electronic course" means an educational course in which:

1. Instruction and content are delivered primarily over the internet;
2. A student and teacher are in different locations for a majority of the student's instructional period;
3. Most instructional activities take place in an online environment;
4. The online instructional activities are integral to the academic program;
5. Extensive communication between a student and a teacher and among students is emphasized; and
6. A student is not required to be located on the physical premises of a school district or open-enrollment charter school.

An electronic course is the equivalent of what would typically be taught in one semester. For example: English IA is treated as a single electronic course and English IB is treated as a single electronic course.

Education Code 30A.001(4); 19 TAC 70.1001(1)

OLS Eligibility

To be eligible to serve as a TXVSN OLS, a school district shall:

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1. Have a current accreditation status of Accredited under 19 Administrative Code 97.1055 (Accreditation Status);
2. Be rated acceptable under Education Code 39.054;
3. Be rated at the Standard Achievement level or higher under the state financial accountability rating system under 19 Administrative Code 109.1001 (~~Types of~~ Financial Accountability Ratings);
4. Have met statutory requirements for timely submission of annual audit and compliance reports, Public Education Information Management System (PEIMS) reports, and timely deposits with the Teacher Retirement System, with all records and reports reflecting satisfactory performance;
5. Be in good standing with other programs, grants, and projects administered through TEA; and
6. Have been approved to operate a TXVSN OLS as of January 1, 2013.

19 TAC 70.1009(a)

Statewide Course Catalog Provider Eligibility

To be eligible to serve as a course provider in the TXVSN statewide course catalog, a district must be rated acceptable under Education Code 39.054. A Texas school district may provide an electronic course through the TXVSN to a student enrolled in that district or school, a student enrolled in another school district or school in the state, or a student who resides in Texas who is enrolled in a school other than a public school district or charter school. *19 TAC 70.1007(a)*

General Requirements

TXVSN course providers shall:

1. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance in the course at least once every 12 weeks;
2. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance at least once every three weeks if the student's performance in the course is consistently unsatisfactory, as determined by the TXVSN course provider;
3. Notify students in writing upon enrollment to participate in the TXVSN course with specific dates and details regarding enrollment;
4. Meet all federal and state requirements for educating students with disabilities;

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5. Provide a contingency plan for the continuation of instructional services to all TXVSN students allowing them to complete their TXVSN courses in the event that the contract or agreement through which the electronic courses are provided are terminated or the TXVSN courses become unavailable to students;

6. Ensure a maximum class size limit of 40 students in a single section of a course and ensure that the class size does not exceed the maximum allowed by law, as applicable, whichever is less; and

7. Meet all reporting requirements established by TXVSN central operations, including timely submission of student performance reports, course completion results, catalog data, data required to verify instructor qualifications, and all data necessary for the TXVSN Informed Choice Report required under 19 Administrative Code 70.1031 (Informed Choice Reports).

19 TAC 70.1007(c)

Receiver District Requirements

A district is eligible to serve as a receiver district in the TXVSN statewide course catalog. Each TXVSN receiver district shall:

1. Register as a receiver district with TXVSN central operations;

2. Assign a qualified staff member to serve as the TXVSN coordinator;

3. Enroll a student who resides in Texas and who is enrolled in a school other than a public school district or charter school upon request by the student and/or parent or guardian; and

4. In accordance with 19 Administrative Code 74.26 (Award of Credit), award credit to a student enrolled in the district who has successfully completed all state and local requirements and received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for a high school course offered through the TXVSN statewide course catalog.

19 TAC 70.1008

Courses

All electronic courses to be made available through the TXVSN shall be reviewed and approved prior to being offered in accordance with the course requirements at 19 Administrative Code 70.1005. *19 TAC 70.1005(a)*

An electronic course or program that was offered or could have been offered during the 2008-09 school year under former Education Code 29.909, as that section existed on January 1, 2009, may

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be offered during a subsequent school year through the TXVSN. *Education Code 30A.006*

Student Eligibility

Generally

A student is eligible to enroll in a TXVSN course only if the student:

1. On September 1 of the school year is younger than 21 years of age or is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 48.003;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a public school in this state.

A student is eligible to enroll full-time in courses provided through the TXVSN only if the student:

1. ~~The student was~~Was enrolled in a public school in this state in the preceding school year;
2. ~~The student is~~Is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year; or
3. ~~The student has~~Has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.

Exception for Military Dependents

A student is eligible to enroll in one or more TXVSN courses or enroll full-time in courses provided through the network if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in this state; and
3. No longer resides in this state as a result of a military deployment or transfer.

Provisional Enrollment

If a student has not provided required evidence of eligibility to enroll, a TXVSN OLS may enroll a student provisionally for 10 school days and withdraw the student from the OLS if the student does not provide the required evidence of eligibility within 10 school days of the provisional enrollment.

Upon enrolling a student provisionally, the TXVSN OLS shall notify the student and the student's parents or guardians that the student will be withdrawn if documentation is not provided within the required timeframe.

Education Code 30A.002; 19 TAC 70.1013

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Enrolled Students

A student who is enrolled in the district as a full-time student may take one or more electronic courses through the TXVSN. *Education Code 30A.107(b)*

Unenrolled Students

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TXVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TXVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c)

Enrollment, Advancement, and Withdrawal

A student taking a course through the TXVSN statewide course catalog or a TXVSN OLS program is considered to:

1. Be enrolled in a TXVSN course when he or she begins receiving instruction and actively engages in instructional activities in a TXVSN subject area or course;
2. Have successfully completed a course if the student demonstrates academic proficiency and, for a high school course, earns credit for the course, as determined by the TXVSN teacher; and
3. Be, and must be reported as, withdrawn from the TXVSN when the student is no longer actively participating in the TXVSN course or program.

A student taking a course through the TXVSN statewide course catalog:

1. Shall enroll in each TXVSN course through the TXVSN online registration system;

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2. Shall be assigned a grade by the TXVSN teacher after the drop period established by TXVSN central operations;

3. May withdraw from a course taken through the TXVSN after the instructional start date without academic or financial penalty within the drop period established by TXVSN central operations; and

4. Shall have the grade assigned by the TXVSN teacher added to the student's ~~transcript~~record by the student's home district, and for a high school course, added to the student's transcript.

A student enrolled full time in a TXVSN online program in grades 3-8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TXVSN teacher for the educational program.

19 TAC 70.1015

Compulsory Attendance

Texas public school students are not required to be in physical attendance while participating in courses through a TXVSN OLS or the TXVSN course catalog.

Based upon successful completion of a TXVSN course for students in grades 9-12 or a TXVSN OLS instructional program for students in grades 3-8, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.

For audit purposes, TXVSN course providers and TXVSN receiver districts shall maintain documentation to support the students' successful completion and to support verification of compulsory attendance.

"TXVSN receiver district" means a Texas public school district that has students enrolled in the school district who take one or more online courses through the TXVSN statewide course catalog.

19 TAC 70.1001(9), .1017

Local Policy

A district shall adopt a written policy that provides students enrolled in the district with the opportunity to enroll in electronic courses provided through the TXVSN statewide course catalog. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below.

A district shall, at least once per school year, send to a parent of each district student enrolled at the middle or high school level a

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copy of the policy. A district may send the policy with any other information that the district sends to a parent.

Education Code 30A.007; 19 TAC 70.1033

Notice

At the time and in the manner that a district informs students and parents about courses that are offered in the district's traditional classroom setting, the district shall notify parents and students of the option to enroll in an electronic course offered through the TXVSN.

Requests to Enroll

Except as provided below, a district may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TXVSN.

A district may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
2. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the district providing the course; or
3. The district offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TXVSN course, a district has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b).

Appeals

A parent may appeal to the commissioner a district's decision to deny a request to enroll a student in an electronic course offered through the TXVSN. The commissioner's decision under this subsection is final and may not be appealed.

Education Code 26.0031; 19 TAC 70.1008, .1035

Students with Disabilities

For purposes of the policy, the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal (ARD) committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, 20

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	U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. *Education Code 30A.007(b)*
Required Enrollment Prohibited	A school district or open-enrollment charter school may not require a student to enroll in an electronic course. *Education Code 30A.107(d)*
Inducements for Enrollment Prohibited	A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the TXVSN. The commissioner shall revoke approval of electronic courses offered by a course provider that violates this prohibition. The commissioner's action under this section is final and may not be appealed. *Education Code 30A.1052*
Course Portability	A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course. *Education Code 30A.1051; 19 TAC 70.1015(d)*
Student Assessment	All Texas public school students enrolled in the TXVSN are required to take the statewide assessments as required in Education Code 39.023 [see EKB]. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor. A district shall report to the commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TXVSN separately from the results of assessment instruments administered to other students. All districts participating in the TXVSN OLS program are included in the state's academic accountability system. *Education Code 30A.110; 19 TAC 70.1023*
Funding	A district in which a student is enrolled is entitled to funding under Education Code Chapter 48 for the student's enrollment in a TXVSN course in the same manner that the district is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course. Funding is limited to a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013. *Education Code 30A.153*

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A district may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year unless the student is enrolled in a full-time online program that was operating on January 1, 2013. If the district declines to pay the cost, a student is able to enroll in additional electronic courses at the student's cost. *Education Code 26.0031(c-1)*

Course Cost

A district may charge the course cost for enrollment in a TXVSN course to a student who resides in this state and:

1. Is enrolled in the district as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other school districts; or
2. Elects to enroll in a TXVSN course for which the district in which the student is enrolled as a full-time student declines to pay the cost as authorized by Education Code 26.0031(c-1).

A district may charge the course cost for enrollment in a TXVSN course during the summer.

A district shall charge the course cost for enrollment in a TXVSN course to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.

A TXVSN course cost may not exceed the lesser of the cost of providing the course or $400.

A district may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TXVSN at the student's expense.

A district that is not the course provider may charge a student enrolled in the district a nominal fee, not to exceed $50, if the student enrolls in a TXVSN course that exceeds the course load normally taken by students in the equivalent grade level.

A course provider in the TXVSN statewide course catalog shall receive:

1. No more than 70 percent of the catalog course cost prior to a student successfully completing the course; and
2. The remaining 30 percent of the catalog course cost when the student successfully completes the course.

Education Code 30A.155(a)-(c-1); 19 TAC 70.1025

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Educators of Electronic Courses

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must be certified under Education Code Chapter 21, Subchapter B, to teach that course and grade level or meet the credentialing requirements of the institution of higher education with which they are affiliated and that is serving as a course provider.

In addition, each instructor must successfully complete one continuing professional development course specific to online learning every three years, and:

1. Successfully complete a professional development course or program approved by TXVSN central operations before teaching an electronic course offered through the TXVSN; or
2. Have a graduate degree in online or distance learning and have demonstrated mastery of the ~~International Association for K-12 Learning (iNACOL)~~ National Standards for Quality Online Teaching; or
3. Have two or more years of documented experience teaching online courses for students in grades 3-12 and have demonstrated mastery of the ~~iNACOL~~ National Standards for Quality Online Teaching.

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.

TXVSN course providers shall affirm the preparedness of teachers of TXVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:

1. Maintain records documenting:
    a. Valid Texas educator certification credentials appropriate for the instructor's TXVSN assignment;
    b. Successful initial completion of TXVSN-approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and
    c. Instructors' demonstrated mastery of the ~~iNACOL~~ National Standards for Quality Online Teaching prior to teaching through the TXVSN;
2. Conduct and maintain records for background checks;
3. Maintain records of successful completion of continuing professional development;

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4. Maintain records documenting successful completion of TXVSN-approved professional development before the end of the school year for any instructor who is hired after the school year has begun; and

5. Make the records specified in this subsection available to TEA and TXVSN central operations upon request.

19 TAC 70.1027

Revocation

The commissioner may revoke the right to participation in the TXVSN based on any of the following factors:

1. Noncompliance with relevant state or federal laws;

2. Noncompliance with requirements and assurances outlined in the contractual agreements with TXVSN central operations and/or these provisions and Education Code Chapter 30A; or

3. Consistently poor student performance rates as evidenced by results on statewide student assessments, student withdrawal rates, student completion rates, successful completion rates, or campus accountability ratings.

19 TAC 70.1029

Applicability

Unless a district chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of a school district or open-enrollment charter school, Chapter 30A does not affect the provision of a course to such a student.

Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by a district only to district students if the course is not provided as part of the TXVSN.

Education Code 30A.004

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All revisions due to amendments to 19 TAC 89.1070.

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), except as provided below.

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.

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, except as necessary for the district to comply with the commissioner's rules.

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A school counselor may not indicate that a student has not complied with this section if the district fails to provide the required form to the student or the student's parent or other person standing in parental relation to the student.

Education Code 28.0256; 19 TAC 74.11(b)

Opt-Out Form

The board shall adopt the standard opt-out form provided by the Texas Education Agency (TEA).

The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the district. A district is responsible for translations not provided by TEA.

The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.

19 TAC 74.1023(c)

Notification

A district shall provide students with the notifications regarding the financial aid application requirement, in accordance with 19 Administrative Code 74.1023(d).

Proof of Submission

A district shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA.

For completion and submission of the FAFSA:

1. ApplyTexas Counselor Suite FAFSA data;
2. Notification from the U.S. Department of Education that demonstrates a student has completed and submitted a FAFSA; or
3. A local policy developed by a district for the method by which a student must provide proof that the student has completed a FAFSA.

A district shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.

19 TAC 74.1023(e)

Information Submission and Confidentiality

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) not later than December 1 of each school year for students awarded diplomas in the previous school year the number of students who completed and submitted a financial aid application and the number of students who submitted an exception.

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A district shall maintain student financial aid application information securely and ensure compliance with federal law regarding the confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information [see FL].

19 TAC 74.1023(f)-(g)

Individual Graduation Committee

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.

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The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)-(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

Alternate Members

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)-(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

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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)*

Emergent Bilingual Students

For provisions related to an IGC and emergent bilingual students, see EKBA.

Special Education

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma

Beginning with students who would have graduated at the end of the 2019-20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.

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Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Penal Code Title 5 or 6 or adjudicated as having engaged in conduct constituting a felony offense under Penal Code Title 5 or 6.

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

Texas First Early High School Completion Program

A district shall allow a student to graduate and receive a high school diploma under the Texas First Early High School Completion Program if, using the standards established by TEA and the Texas Higher Education Coordinating Board and eligible institutions of higher education, the student demonstrates mastery of and early readiness for college in each of the subject areas described by the standards and in a language other than English, notwithstanding any other local or state requirements.

A student who earns a high school diploma through the program is considered to have earned a distinguished level of achievement.

Notice Upon Enrollment

On a student's initial enrollment in high school in a grade level below grade 12 in a district, the district shall provide to the student and the student's parent or guardian information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program.

Education Code 28.0253(e)-(g); 19 TAC 21.52(a)

The notice must include information about the requirement that a student must provide an official copy of their assessment results

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and transcripts, as applicable, to receive credit for the assessments and credits required to receive early graduation from the program. *19 TAC 21.54*

Personal Graduation Plan

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:

Junior High or Middle School PGP

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

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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]

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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, in grade 8 or higher, 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), (d)

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(a)-(b)

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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 110-117, 127, and 130 are followed.

19 TAC 74.13(a)-(d); Education Code 28.025

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For more information on endorsements, including the requirements for specific endorsements, see 19 Administrative Code 74.13(e)-(g).

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(e)

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(f)*

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

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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(j)-(k)

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(i)*

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(o)

Languages Other Than English

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

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Physical Education

The required credit may be selected from one full credit or a combination of two half credits from two different courses from the following courses:

1. Lifetime Fitness and Wellness Pursuits;
2. Lifetime Recreation and Outdoor Pursuits; and
3. Skill-Based Lifetime Activities.

Other Physical Education Activities

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that meets the requirement for 100 minutes of moderate to vigorous physical activity per five-day school week and 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. Junior Reserve Officer Training Corps (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.

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In accordance with local district policy, up to one credit for any one of the required physical education courses 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.

Credit may not be earned more than once for the Lifetime Fitness and Wellness Pursuits course or the Skill-Based Lifetime Activities course. Credit may not be earned more than twice for the Lifetime Recreation and Outdoor Pursuits course.

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.

19 TAC 74.12(b)(6); Education Code 28.025(b-10)-(b-11)

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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;

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d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or

2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014-15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014-15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the 10th grade one or more times as determined by the school district.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009-10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

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A student who entered grade 9 in the 2012-13 or 2013-14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012-13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D-F.

Education Code 28.025; 19 TAC 74.62, .72

Recommended High School Program

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*

Advanced / Distinguished Achievement High School Program

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

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College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

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Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007-08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)-(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enroll-

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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(g)* [See EHDB, EHDC, EHDE, and EI]

Graduation of Students Receiving Special Education Services

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110-117, 126-128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*

Modified Curriculum and Content

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(i)*

Employability and Self-Help Skills

~~All students graduating must be provided with a~~A summary of academic achievement and functional performance must be provided prior to exit from public school for students who meet one of the following conditions:

Summary of Academic Achievement and Evaluation

1. A student who has met requirements for graduation specified in 19 Administrative Code 89.1070(b)(1) or who has exceeded the maximum age eligibility as described ~~in~~ by 19 Administrative Code 89.1035; or

2. A student who has met requirements for graduation specified in 19 Administrative Code 89.1070(b)(2) or (b)(3)(A), (B), or (C). A student meeting this condition is entitled to an evaluation as described by 34 C.F.R. 300.305(e)(~~3).~~1).

The summary of performance must include recommendations on how to assist the student in meeting the student's postsecondary goals, as required by 34 C.F.R. 300.305(e)(3). This summary must also 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~~Students who meet graduation requirements under 19 Administrative Code 89.1070(b)(2~~),~~) or (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)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B),~~ or (C) and who will ~~remain in~~continue enrollment in public school to ~~complete their~~ receive special education ~~do not have~~services aligned to their transition plan will be provided the summary of performance upon exit from the public school system. These students are entitled to ~~be evaluated. *19 TAC 89.1070(g).*~~

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*~~(h)~~*participate in commencement ceremonies and receive a certificate of attendance after completing four years of high school.

19 TAC 89.1070 (f)-(h)

~~Students Entering Grade 9 in or After the 2014-15 School Year~~Graduation Criteria

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~~; and demonstrated satisfactory performance as established in Education Code ~~Chapter~~Chapters 28 and 39, on the required EOC assessment instruments~~.~~, which could include meeting the requirements of 19 Administrative Code 89.1070(d).

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~~; the student has 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~~; and the student's ARD committee has determined that satisfactory performance, beyond what would otherwise by required in 19 Administrative Code 89.1070(b)(1) and (d), on the required EOC assessment instruments is not ~~necessary~~required for graduation.

3. ~~The student has~~The student has satisfactorily completed credit requirements for graduation under the foundation high school program, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education; 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~~in accordance with modified content and curriculum ~~that is aligned to the standards applicable to students in general education, as well as~~expectations established in the student's IEP; and demonstrated satisfactory performance ~~as established in Education Code Chapter 39,~~ on the required EOC assessment instruments, unless the stu-

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dent's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not ~~necessary~~required 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~~.~~; or

~~c.~~ The student has access to services or other supports that are not within the legal responsibility of public education ~~or~~, including employment or ~~educational options for which the student has been prepared by the academic program.~~

~~d.~~c. ~~The student no longer meets age eligibility requirements~~postsecondary education established through transition planning.

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

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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.

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 10th-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]

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Graduation of Student Who Is Homeless or in Conservatorship of DFPS

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

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Agreement Between Districts

The boards of two or more adjoining school districts or the boards of county school trustees of two or more adjoining counties may, by agreement and in accordance with Education Code 25.032-.034, arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. In the case of the transfer and assignment of a student under this provision, the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance. *Education Code 25.035*

Initiated by Student or Parent

Any student, other than a high school graduate, who is under 21 years of age and eligible for enrollment on September 1, may transfer to another Texas district, provided that both the receiving district and the applicant's parent, guardian, or person having lawful control agree in writing to the transfer.

Discipline and Threat Assessment Records

In the case of a transfer under this provision, a child's district of residence shall provide the receiving district with the child's disciplinary record and any threat assessment involving the child's behavior conducted under Education Code 37.115 [see FFB].

Effective August 1, 2025, a district shall utilize Sentinel to securely transfer any threat assessment conducted on a student to a receiving district when a student transfers to a new district [see CKA]. All threat assessments for a student are subject to the transfer requirement. Any threat assessments conducted prior to August 1, 2025, that are associated with a student transfer shall be uploaded into Sentinel in a manner determined by the Texas Education Agency (TEA).

Education Code 25.036; 19 TAC 103.1213(e)(1)(B) [See FD for placement of transfer students.]

19 TAC 103.1213

Transfer to a District Offering In-Person Instruction

If a district provides notice to the parent or person standing in parental relation to a student enrolled in the district of the district's intent to offer only virtual instruction for more than one grading period during a school year, the student may transfer for that school year to another district that offers in-person instruction during that school year and accepts the student's transfer.

"Virtual instruction" means instructional activities delivered to students primarily over the internet.

A student who transfers to another school district under this section may not be charged tuition. The student is included in the average daily attendance of the district in which the student attends school.

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Education Code 25.045

Basis for Transfer

A board or its designee must make transfer decisions on an individual basis and may not consider as a factor in arriving at any decision regarding assignments any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032* [See FDAA]

Transportation

A board may establish and operate an economical public school transportation system outside the district if students enrolled in the district reside outside the district and the district meets the requirements of Education Code 34.007(a)(3) [see CNA]. *Education Code 34.007(a)*

Funding for Transfers

Upon the filing and certification of any transfer, the state per capita apportionment shall transfer with the student. For purposes of computing state allotments to districts eligible under the Foundation School Program, the student's attendance prior to the date of transfer shall be counted by the sending district and the student's attendance after transfer shall be counted by the receiving district. *Education Code 25.037*

Credits and Records

Credits earned in local credit courses may be transferred at the enrolling district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

Nonpublic Schools

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

Tuition Fee for Transfer Students

A receiving district may charge a tuition fee to the extent that the district's actual expenditure per student in average daily attendance exceeds the sum of state available school fund apportionment benefits transferred under Education Code 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year. *Education Code 25.038*

Transfer by Servicemember Request

On request of a servicemember who is a parent of or person standing in parental relation to a student, the board or the board's designee shall transfer the student to another district campus or to

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another school district under an agreement under Education Code 25.035 [see Agreement Between Districts, above].

"Servicemember" means an active duty member of the armed forces of the United States, a reserve component of the armed forces of the United States, or the Texas National Guard.

A transfer under this provision must be to the campus or district, as applicable, selected by the servicemember making the request.

A district is not required to provide transportation to a student who transfers to another campus or district under this provision.

Education Code 25.0344

Transfer by Peace Officer Request

On request of a peace officer who is a parent of or person standing in parental relation to a student, the board or the board's designee shall transfer the student to another district campus or to another district under an agreement under Education Code 25.035.

"Peace officer" has the meaning assigned by Occupations Code 1701.001.

A transfer under this provision must be to the campus or school district, as applicable, selected by the peace officer making the request.

A district is not required to provide transportation to a student who transfers to another campus or district under this provision.

Education Code 25.0344

Transfers to Adjoining States

Note: The following provision applies to a district located on the border of an adjoining state.

Any student who would be entitled to attend the public school of any district situated on the border of Louisiana, Arkansas, Oklahoma, or New Mexico and who may find it more convenient to attend the public school in a district in one of those contiguous states, may have the state and county per capita apportionment of the available school funds paid to the school district of the contiguous state and may have additional tuition, if necessary, paid by the district of residence on such terms as may be agreed upon by the trustees of the receiving district and the trustees of the residence district. *Education Code 25.040*

Contracts for Education Outside Districts

Note: The following section applies only to districts that do not offer all grades, kindergarten-grade 12.

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A district that does not offer each grade, kindergarten-grade 12, may provide by contract for students residing in the district who are at grade levels not offered by the district to be educated at those grade levels in one or more other districts. In each contract, the districts also shall agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

Tuition

The district in which the students reside shall pay tuition to any district with which it has a contract under this section for each of its students attending school in that district at a grade level for which the district has contracted. The amount of the tuition paid may not exceed the greater of the amount provided for by Education Code 25.038 [see above], or an amount specified by commissioner rule [see below].

A district is not required to pay tuition to any district with which it has not contracted for the attendance by any of its students at a grade level for which it has contracted under this provision with another district.

A contract under this provision may not be for a period exceeding five years.

Education Code 25.039

Definitions

“Home district” means a district of residence of a transferring student.

“Receiving district” means a district to which a student is transferring for the purpose of obtaining an education.

“Tuition” means an amount charged to the home district by the receiving district to educate the transfer student.

Tuition Allotment of the Home District

For the purposes of calculating the tuition allotment of the home district as authorized by Education Code 48.154, the amount of tuition that may be attributed to a home district for a transfer student in payment for that student’s education may not exceed an amount per enrollee calculated for each receiving district. The calculated limit applies only to tuition paid to a receiving district for the education of a student at a grade level not offered in the home district. Tuition may be set at a rate higher than the calculated limit if both districts enter a written agreement, but the calculated tuition limit will be used in the calculation of the tuition allotment for the home district. The calculation will use the most currently available data in an ongoing school year to determine the limit that applies to the subsequent school year. For purposes of this provision, the number of students enrolled in a district will be appropriately adjusted to account for students ineligible for the Foundation School Program funding and those eligible for half-day attendance.

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Calculated Tuition Limit

The calculated tuition limit is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt revenue per enrollee, as calculated in 19 Administrative Code 61.1012(b)(2)-(3).

Notification and Appeal Process

In the spring of each school year, the commissioner will provide each district with its calculated tuition limit and a worksheet with a description of the derivation process. A district may appeal to the commissioner if it can provide evidence that the use of projected student counts from the LPE in making the calculation is so inaccurate as to result in an inappropriately low authorized tuition charge and undue financial hardship. A district that used significant nontax sources to make any of its debt service payments during the base year for the computation may appeal to the commissioner to use projections of its tax collections for the year for which the tuition limit will apply. The commissioner's decision regarding an appeal is final.

19 TAC 61.1012

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Revisions throughout due to Texas Administrative Code revisions and for clarity.

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

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to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Telehealth in Medicaid Covered Services

Telemedicine medical services and telehealth services authorized as Texas Medicaid covered services must meet the conditions specified in 1 Administrative Code 354.1432(5). *1 TAC 354.1432(5)*

Administering Medication

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

Immunity from Civil Liability

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a)-(b)

[See DG regarding protection of nurses for refusal to perform acts.]

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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

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Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

Prescription Medication and Special Education Students

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

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Dextromethorphan (Certain Cold Medication)

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Maintenance and Administration of Opioid Antagonists

Each district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

The policy adopted must:

1. Provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;
2. Require that each school campus subject to a policy adopted under this provision have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours;
3. Establish the number of opioid antagonists that must be available at each campus at any given time; and
4. Require that the supply of opioid antagonists at each school campus subject to a policy adopted under this provision must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

Education Code 38.222(a), (c); 25 TAC 40.84(b)-(c); *19 TAC 103.1103*

Definitions

“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” means a unit of a district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

“Opioid antagonist” as defined in Health and Safety Code 483.101, means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

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	"Opioid-related drug overdose" as defined in Health and Safety Code 483.101, means a condition, evidenced by symptoms of extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid. *25 TAC 40.82(2)-(3), (5)-(6)*
Maintenance	Once a district adopts an opioid antagonist medication policy, a campus implementing an opioid policy must stock opioid antagonist medication.
Prescription	A campus must obtain a prescription from a physician or a person who has been delegated prescriptive authority to stock, possess, and maintain the established number of doses of opioid antagonists as determined by a district, on each campus as described in Education Code 38.225 (Prescription of Opioid Antagonists). The campus must renew this prescription or obtain a new prescription annually. The number of additional doses may be determined by an individual campus review led by a physician or a person who has been delegated prescriptive authority. *25 TAC 40.85(a)-(b)*
Standing Order	A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe opioid antagonists in the name of a school district. *Education Code 38.225(a); 25 TAC 40.85(c)*
Storage of Medication	The unassigned opioid antagonist medication must be stored in a secure location and be easily accessible, in accordance with the manufacturer's guidelines and local policy of the district.
Disposal	Used, unassigned opioid antagonists are considered infectious waste and must be disposed of according to the school's bloodborne pathogen control policy. Expired, unassigned opioid antagonists must be disposed of in accordance with the Federal Drug Administration's disposal of unused medications guidelines and local policy of the district. *25 TAC 40.85(d)-(f)*
Reporting Requirement	The campus must submit the report no later than the 10th business day after the date a school personnel member or school volunteer administers an opioid antagonist in accordance with the unassigned opioid antagonist medication policy.

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The report shall be submitted to the following individuals and entities:

1. The district;
2. The physician or other person who prescribed the opioid antagonist; and
3. The commissioner of DSHS.

Notifications to the commissioner of DSHS must be submitted on the designated electronic form available on DSHS School Health Program website found at dshs.texas.gov.

25 TAC 40.87(b)-(c)

The school shall report the following information:

1. The age of the person who received the administration of the opioid antagonist;
2. Whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the opioid antagonist was administered;
4. The number of doses of opioid antagonist administered;
5. The title of the person who administered the opioid antagonist; and
6. Any other information required by the commissioner of education.

Education Code 38.223(b)

Records Retention

Records relating to implementing and administering the district unassigned opioid antagonist medication policy must be retained per the campus record retention schedule. *25 TAC 40.87(a)*

Training

A district that adopts an opioid antagonist policy is responsible for training school personnel and school volunteers in the administration of an opioid antagonist. *Education Code 38.224(a)*

Training must include information on:

1. Recognizing the signs and symptoms of an opioid-related drug overdose;
2. Responding to an opioid-related drug overdose and administering an opioid antagonist;

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3. Implementing emergency procedures, after administering an opioid antagonist;

4. Understanding the medical purpose and misuse of opioids; and

5. Properly disposing of used or expired opioid antagonists.

Training must:

1. Be provided annually in a formal training session or through online education, including practicing the administration of an opioid antagonist with an opioid antagonist trainer device; and

2. Be provided in accordance with the policy adopted under Education Code 21.4515.

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers who are trained and authorized to administer the unassigned opioid antagonist medication on the campus.

25 TAC 40.86(b)-(c)

Gifts, Grants, and Donations

A district may accept gifts, grants, donations, and federal and local funds to implement these provisions. *Education Code 38.226*

Immunity

A person who in good faith takes, or fails to take, any action under Education Code Chapter 38, Subchapter E-1 is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.227. *Education Code 38.227*

Maintenance and Administration of Epinephrine Auto-Injectors

Note: The following provisions apply only to a district that adopts an unassigned epinephrine auto-injector policy.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and

2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine

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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

A district that chooses to adopt and implement a written unassigned epinephrine auto-injector policy under Education Code Chapter 38, Subchapter E is not required to create an additional policy for care of certain students at risk for anaphylaxis under Education Code 38.0151 [see FFAF]. *25 TAC 40.62(c)*

A district may develop, as part of the policy, provisions for additional doses to be stocked and utilized at off-campus school events, or in transit to or from school events. *25 TAC 40.65(a)(2)*

Definitions

All Hours the Campus Is Open

“All hours the campus is open” is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A “campus” is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

Unassigned Epinephrine Auto-Injector

An “unassigned epinephrine auto-injector” is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 40.63(1), (4), (11)

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual

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available to notify emergency medical services, the trained individual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 40.65(e)-(f)

Records

School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request.

Records relating to implementation and administration of the school's unassigned epinephrine auto-injector policy shall be retained per the record retention schedule for records of public school districts found in 13 Administrative Code 7.125 [see CPC].

25 TAC 40.65(f)-(g)

Reports

Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of education.

Education Code 38.209

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Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 40.68(b)*

Assignment of Trained Individuals

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 40.66(a)-(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 40.66(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the administration of an unassigned epinephrine auto-injector.

Training must include information on:

1. Recognizing the signs and symptoms of anaphylaxis;
2. Administering an epinephrine auto-injector;
3. Implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and
4. Properly disposing of used or expired epinephrine auto-injectors.

Training must be provided in accordance with the district professional development policy [see DMA].

Education Code 38.210(a), (b)

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Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training.

Training:

1. Shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention;
2. May be provided in a formal face-to-face training session or through an online education course;
3. Must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration; and
4. Must include information about promptly notifying local emergency medical services.

25 TAC 40.67(1)-(2), (5)

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 40.67(3)-(4), (6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211(a)*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 40.65(a)-(a)(1)

Epinephrine Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors.

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	Throughout the school calendar year, the designated school personnel must coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *25 TAC 40.65(b)*
Notice to Parents	If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212* A district shall provide electronic or written notice to the parent or guardian of each student. If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days. *25 TAC 40.69*
Storage	Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 40.65(h)*
Replacement	The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. *25 TAC 40.65(i)*
Disposal	Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy. Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy. *25 TAC 40.65(j)-(k)* [See DBB]
Gifts, Grants, and Donations	A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

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Maintenance and Administration of Medication for Respiratory Distress

Note: The following provisions apply only to a district that adopts a policy on medication for respiratory distress.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of unassigned medication for respiratory distress at each campus in the district. *Education Code 38.208(a-1); 25 TAC 40.44(a)*

If a policy is adopted, the policy must provide that school personnel and school volunteers who are authorized and trained may administer medication for respiratory distress to a person reasonably believed to be experiencing respiratory distress on a school campus, or at a school-sponsored or school-related activity on or off school property. *Education Code 38.208(b-1); 25 TAC 40.44(a)(1)(C)*

~~Definitions~~

~~"Medication for respiratory distress" means albuterol, levalbuterol, or another medication designated by the executive commissioner of the Health and Human Services Commission for treatment of respiratory distress Education Code 38.208(c).~~

In developing the policy, a district may consider performing a review to include:

1. Consultation with school nurses, the local school health advisory committee, local health-care providers, or any department or organization involved with student well-being;
2. Campus geography; and
3. Student population size.

19 TAC 40.44(b)

An adopted unassigned medication for respiratory distress policy must be publicly available. *25 TAC 40.44(d)*

Definitions

"School personnel" means an employee of a district. The term includes a member of the board.

"School volunteer" means a person providing services for or on behalf of a district, on the premises of the district or at a school-sponsored or school-related activity on or off school property, who does not receive compensation in excess of reimbursement for expenses.

"Unassigned medication for respiratory distress" means albuterol, levalbuterol, or another medication based on the best available medical evidence for the treatment of respiratory distress that is:

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1. Delivered by metered-dose inhaler (MDI) with a spacer (valved holding chamber) or by a nebulizer as a rescue medication;

2. Prescribed by an authorized health-care provider in the name of the district;

3. Issued with a non-patient-specific standing delegation order for the administration of a medication for respiratory distress; and

4. Issued by an authorized health-care provider.

Education Code 38.201(3-a), (6), 22.053(b); 25 TAC 40.42(8), (10), (12)

Each Campus During Regular School Hours

Each district that adopts a policy must require that each campus have one or more school personnel or school volunteers authorized and trained to administer unassigned medication for respiratory distress present during regular school hours~~.~~, which means at least 30 minutes before the first bell to 30 minutes after the last bell of the school day. *Education Code 38.208(d-1); 25 TAC 40.42(5), 40.44(a)(1)(C)*

A "campus" is defined as a geographic unit of a 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.

25 TAC 40.42(2)

Medication Inventory

Subject to the availability of funding, a district that adopts a policy must allow for treatment of multiple students and secure or obtain at least:

1. One MDI with appropriate spacers (valved holding chambers) to accommodate the developmental needs of the student population; or

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2. At least five vials of nebulizer solution with appropriate nebulizer-required equipment to accommodate the developmental needs of the student population.

25 TAC 40.44(a)(2)

In addition to the minimum number of doses described above, the number of additional doses may be determined by an individual campus review led by an authorized health-care provider. *25 TAC 40.45(b)(2)*

Designated Campus Administrator

A district that adopts a policy must include in the policy the designated campus administrator to coordinate and manage policy implementation for each campus, which includes:

1. Conducting a review at the campus to determine the need for additional doses;

2. Training school personnel and school volunteers;

3. Acquiring or purchasing, maintaining, storing, and using unassigned medication for respiratory distress, subject to available campus funding; and

4. Disposing of expired unassigned medication for respiratory distress.

25 TAC 40.44(c)(1)

Notification Procedures

Each district that adopts a policy must include in the policy the procedures for notifying a parent, prescribing authorized health-care provider, and the student's primary health-care provider when unassigned medication for respiratory distress is administered. *25 TAC 40.44(c)(4)*

Referral Required

If unassigned medication for respiratory distress is administered to a student whose parent or guardian has not provided notification to the school that the student has been diagnosed with asthma, the school must refer the student to the student's primary care provider on the day the medication for respiratory distress is administered and inform the student's parent or guardian regarding the referral. The referral must include:

1. The symptoms of respiratory distress observed;

2. The name and dosage of the unassigned medication for respiratory distress administered to the student; ~~and~~

3. Any patient care instructions given to the student; and

~~3.~~4. Information about the purpose and use of an asthma action plan and medical authorization for schools, including a blank

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copy of the plan and authorization the provider completes and returns to the school.

If a student who has received medication for respiratory distress does not have a primary care provider or the parent or guardian of the student has not engaged a primary care provider for the student, the student's parent or guardian must receive information to assist the parent or guardian in selecting a primary care provider for the student.

Education Code 38.208(b-2)-(b-3); 25 TAC 40.44(c)(6)-(7)

Storage

The supply of medication for respiratory distress at each campus must be stored in accordance with the manufacturer's guidelines and local policy of the district in a secure location and be easily accessible to authorized school personnel and school volunteers. *Education Code 38.208(e-1); 25 TAC 40.45(d)*

The location of the unassigned medication for respiratory distress must be specified in the policy. *25 TAC 40.44(c)(3)*

Disposal

The policy must include a plan to check inventory of unassigned medication for respiratory distress for expiration at least twice during the school year, to replace, as soon as reasonably possible, and to document the findings. *25 TAC 40.44(c)(5)*

Expired unassigned medication for respiratory distress 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(e)*

Records Retention

Records relating to implementing and administering the district's unassigned medication for respiratory distress policy must be retained per the campus record retention schedule. *25 TAC 40.47(a)*

Training

Each district that adopts a policy for the administration of medication for respiratory distress is responsible for training school personnel and school volunteers in the administration of medication for respiratory distress. ~~The training must include information on~~Each authorized school personnel or school volunteer must receive initial training and an annual refresher training. The training must:

1. ~~Recognizing~~Include information on recognizing the signs and symptoms of respiratory distress;
2. ~~Administering~~Include information on administering medication for respiratory distress;

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3. ~~Implementing~~Include information on implementing emergency procedures, if necessary, after administering medication for respiratory distress; ~~and~~

4. ~~Proper~~Include information on proper sanitization, reuse, and disposal of medication for respiratory distress~~.~~;

5. Cover the authorized health-care provider's standing order;

6. Include processes to follow-up with the prescribing authorized health-care provider and the student's primary health-care provider;

7. Provide information on the report required after administering unassigned medication [see below];

8. Include information on the district's adopted unassigned medication for respiratory distress policy;

9. Incorporate hands-on training with unassigned medication for respiratory distress; and

10. Inform school personnel or school volunteers of the purpose and use of asthma action plans.

Education Code 38.210(a-1); 25 TAC 40.46(a)

Training must be provided in a formal training session or through online education and must be provided in accordance with the district professional development policy [see DMA]. *Education Code 38.210(b)*

The policy must include a list of trained and authorized school personnel and school volunteers available to administer unassigned medication for respiratory distress. *25 TAC 40.44(c)(2)*

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers trained and authorized to administer unassigned medication for respiratory distress at the campus or at a school-sponsored event. *25 TAC 40.46(b)*

Reporting Requirement

Not later than the 10th business day after the date a school personnel member or school volunteer administers medication for respiratory distress to a person experiencing respiratory distress, the school shall report the following information to the district, the physician or other person who prescribed the medication for respiratory distress, and the commissioner of state health services:

1. The age of the person who received the administration of the medication for respiratory distress;

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2. Whether the person who received the administration of the medication for respiratory distress was a student, a school personnel member or school volunteer, or a visitor;

3. The dosage of the medication for respiratory distress administered;

4. The title of the person who administered the medication for respiratory distress; and

5. Any other information required by the commissioner.

Notifications to the commissioner of state health services must be submitted on the designated electronic form available on the DSHS School Health Program website found at dshs.texas.gov.

Education Code 38.2091; 25 TAC 40.47

No Negative Fiscal Impact

The policy may not require a district to purchase prescription medication for respiratory distress or require any other expenditure related to the maintenance or administration of medication for respiratory distress that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe medication for respiratory distress in the name of a school district. *Education Code 38.211(a)*

Each district campus in a district that adopts a policy for the administration of medication for respiratory distress must obtain a prescription from an authorized health-care provider to stock, possess, and maintain unassigned medication for respiratory distress at each campus and any equipment necessary to administer the medication. The campus must renew this prescription or obtain a new prescription annually. *25 TAC 40.45(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of medication for respiratory distress, the district shall provide written or electronic notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212; 25 TAC 40.48(a)*

If a district changes or discontinues the unassigned medication for respiratory distress policy, the campus must provide written or electronic notice detailing the change or discontinuation of the policy to a parent or guardian of each student within 15 calendar days after the change or discontinuation. *25 TAC 40.48(b)*

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Refusal to Administer

A school personnel member or school volunteer may not be subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine auto-injectors or medication for respiratory distress, as applicable, in accordance with a policy for the maintenance and administration of epinephrine auto-injectors or a policy for medication for respiratory distress. *Education Code 38.208(d-2)*

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and medication for respiratory distress, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.215 and 25 Administrative Code 40.49. *Education Code 38.215; 25 TAC 40.71*

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Threat Assessment

Definitions

"Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student's expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

"Team" means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

Education Code 37.115(a)

Threat Assessment and Safe and Supportive Schools Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs;
3. Require each team established under this section to report the required information regarding the team's activities to TEA [see Reporting to TEA, below];
4. Require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee; and

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5. Provide for:

    a. A district employee who reports a potential threat to a team to elect for the employee's identity to be confidential and not subject to disclosure Government Code Chapter 552 (Public Information Act), except as necessary for the team, the district, or law enforcement to investigate the potential threat; and

    b. The district to maintain a record of the identity of a district employee who elects for the employee's identity to be confidential.

Membership

The superintendent shall ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a district, provided that each district campus is assigned a team.

Oversight Committee

The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties

Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:

    a. Referring a student for mental health assessment; and

    b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;

2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

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3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Use of Sentinel Assessment Instrument, Manual, and Field Guide

Effective August 1, 2025, when conducting a threat assessment, members of a threat assessment team shall utilize the threat assessment instrument, manual, and field guide in Sentinel [see CKA], which are consistent with the model policies published by the TxSSC. *19 TAC 103.1213(e)(1)(A)*

19 TAC 103.1213

Parental Participation

Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student regarding the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to participate in the assessment, either in person or remotely, and to submit to the team information regarding the student.

After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

Consent for Mental Health-Care Service

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

Education Code 37.115(c)-(g)

Determination of Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team

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shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

Education Code 37.115(h)-(j)

Recordkeeping

Materials and information provided to or produced by a team during a threat assessment of a student under this provision must be maintained in the student's school record until the student's 24th birthday. *Education Code 37.115(j-1)*

[For information regarding the transfer of threat assessment records between school districts, see FD and FDA.]

Reporting to TEA

A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and description of the type of threats reported to the team;
3. The outcome of each assessment made by the team, including:
    a. Any disciplinary action taken, including a change in school placement;
    b. Any action taken by law enforcement; or
    c. A referral to or change in counseling, mental health, special education, or other services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
    a. Citations issued for Class C misdemeanor offenses;
    b. Arrests;
    c. Incidents of uses of restraint;
    d. Changes in school placement, including placement in a JJAEP or DAEP;

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e. Referrals to or changes in counseling, mental health, special education, or other services;

f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;

g. Unexcused absences of 15 or more days during the school year; and

h. Referrals to juvenile court for truancy; and

5. The number and percentage of school personnel trained in:

a. A best-practices program or research-based practice under Education Code 38.351 [see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;

b. Mental health or psychological first aid for schools;

c. Training relating to the safe and supportive school program; or

d. Any other program relating to safety identified by the commissioner.

Education Code 37.115(k)

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Removal Under Student Code of Conduct

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

Mandatory Placement in DAEP

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement, subject to the requirements of Education Code 37.009(a) [see Process for Removal and Mitigating Factors, below]. *Education Code 37.006*

[For additional factors that must be considered in each decision concerning suspension, removal to a DAEP, expulsion, or placement in a juvenile justice alternative education program (JJAEP), see FO and the Student Code of Conduct.]

School-Related Misconduct

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
    a. A controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq., excluding marijuana, as defined by Health and Safety Code 481.002, or tetrahydrocannabinol, as defined by Department of Public Safety rule;
    b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marijuana or tetrahydrocannabinol, as defined above;

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5. Possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Health and Safety Code 161.081 [see FNCD];

6. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.

7. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.

8. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.

9. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

10. Engages in conduct that contains the elements of the offense of harassment under Penal Code 42.07(a)(1), (2), (3), or (7) against an employee of the district.

Education Code 37.006(a)

Exception — Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

Retaliation — Except where a student engages in retaliatory acts against a district employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation under Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

Conduct Unrelated to School — In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03;

2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03; or

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3. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03.

Education Code 37.006(c)

Reasonable Belief

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, a superintendent or a superintendent's designee may consider all available information and must consider the information furnished under Code of Criminal Procedure Article 15.27 other than information requested under Code of Criminal Procedure Article 15.27(k-1). *Education Code 37.006(e); Code of Criminal Procedure 15.27(a)* [See GRAA]

Title 5 Felonies

The following are felony offenses listed in Penal Code, Title 5, Offenses Against the Person.

1. Murder. *Penal Code 19.02*
2. Capital Murder. *Penal Code 19.03*
3. Manslaughter. *Penal Code 19.04*
4. Criminally Negligent Homicide. *Penal Code 19.05*
5. Unlawful Restraint, if:
    a. The person restrained was younger than 17 years of age; or
    b. The actor recklessly exposes the victim to a substantial risk of serious bodily injury; restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty; or while in custody restrains any other person. *Penal Code 20.02*
6. Kidnapping. *Penal Code 20.03*
7. Aggravated Kidnapping. *Penal Code 20.04*
8. Smuggling of Persons. *Penal Code 20.05*
9. Continuous Smuggling of Persons. *Penal Code 20.06*
10. Trafficking of Persons. *Penal Code 20A.02*
11. Continuous Trafficking of Persons. *Penal Code 20A.03*

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12. Continuous Sexual Abuse of Young Child or Disabled Individual. *Penal Code 21.02*

13. Bestiality. *Penal Code 21.09*

14. Indecency with a Child. *Penal Code 21.11*

15. Improper Relationship between Educator and Student. *Penal Code 21.12*

16. Invasive Visual Recording. *Penal Code 21.15*

17. Unlawful Disclosure or Promotion of Intimate Visual Material. *Penal Code 21.16*

18. Voyeurism, if the victim was younger than 14 years of age at the time of the offense. *Penal Code 21.17*

19. Sexual Coercion. *Penal Code 21.18*

20. Assault, if the offense is punishable as a felony. *Penal Code 22.01*

21. Sexual Assault. *Penal Code 22.011*

22. Aggravated Assault. *Penal Code 22.02*

23. Aggravated Sexual Assault. *Penal Code 22.021*

24. Injury to a Child, Elderly Individual, or Disabled Individual. *Penal Code 22.04*

25. Abandoning or Endangering a Child, Elderly Individual, or Disabled Individual. *Penal Code 22.041*

26. Deadly Conduct, if the person knowingly discharges a firearm at or in the direction of one or more individuals, or at or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. *Penal Code 22.05*

27. Terroristic Threat, if the actor threatens to commit any offense involving violence to any person or property with intent to:

    a. Place any person in fear of imminent serious bodily injury if the actor knows the person is a peace officer or judge;

    b. Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public

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place if the prevention or interruption causes pecuniary loss of $1,500 or more to the owner;

c. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;

d. Place the public or a substantial group of the public in fear of serious bodily injury; or

e. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision. *Penal Code 22.07*

28. Aiding Suicide, if the conduct causes suicide or attempted suicide that results in serious bodily injury. *Penal Code 22.08*

29. Tampering with Consumer Product. *Penal Code 22.09*

30. Harassment by Persons in Certain Facilities or of Public Servant. *Penal Code 22.11*

Sexual Assault of Another Student

A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:

1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student who was a young child or disabled individual while the students were assigned to the same campus, regardless of whether the assault occurred on or off school property;

2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and

3. There is only one campus in a district serving the grade level in which the student is enrolled.

Education Code 25.0341, 37.0051(a) [See FDE at Sexual Assault Transfer—Transfer of Assailant]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

Permissive Removal

Non-Title 5 Felony

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The superintendent or designee has a reasonable belief [see Reasonable Belief, above] that the student has engaged in conduct defined as a felony offense other than aggravated

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robbery under Penal Code 29.03, or those offenses listed in Penal Code Title 5 [see above at Title 5 Felonies]; and

2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Education Code 37.006(d)-(e)

Bullying

A student may be removed from class and placed in a DAEP if the student:

1. Engages in bullying that encourages a student to commit or attempt to commit suicide;

2. Incites violence against a student through group bullying; or

3. Releases or threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.

Nothing in this provision exempts a school from reporting a finding of intimate visual material of a minor.

Definitions

Bullying

"Bullying" has the meaning assigned by Education Code 37.0832. [See FFI]

Intimate Visual Material

"Intimate visual material" has the meaning assigned by Civil Practice and Remedies Code 98B.001.

Education Code 37.0052

One Year After Conduct

A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. *Education Code 37.006(n)*

Certain Organization and Gang Membership and Solicitation

A board or an educator shall recommend placing in DAEP any student who commits the misdemeanor offenses described in Education Code 37.121(a) and (c), regarding membership in or solicitation to join a public school fraternity, sorority, secret society, or gang [see FNCC]. *Education Code 37.121(b)*

Older Students

A person who is 21 years of age or older and is admitted by a district for the purpose of completing the requirements for a diploma is not eligible for placement in a DAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the district shall revoke the student's admission. *Education Code 25.001(b-1)*

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Placement of Younger Students

A student who is younger than 10 shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. *Education Code 37.006(f), .007(e)* [See FOD]

Students Younger Than Six

Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] shall be provided educational services in a DAEP. *Education Code 37.006(l), .007(e)(2)*

Process for Removal

Conference

Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the campus behavior coordinator (CBC) or other appropriate administrator shall schedule a conference among the CBC or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

Mitigating Factors

Before ordering removal, the CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.

Order

Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the CBC, after considering any mitigating factors under Education Code 37.001(a)(4) [see FO], shall order the placement of the student for a period consistent with the Student Code of Conduct.

Appeal

If district policy allows a student to appeal to the board or the board's designee a decision of the CBC or other appropriate administrator, the decision of the board or the board's designee is final and may not be appealed.

Education Code 37.009(a) [See Student Code of Conduct]

Right to Request a Special Education Evaluation

On the placement of a student in a DAEP, the district shall provide information to the student's parent or person standing in parental

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relation to the student regarding the process for requesting a full individual and initial evaluation of the student under Education Code 29.004 [see EHBAA]. *Education Code 37.006(p)*

Term of Removal

The period of the placement after removal may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees. *Education Code 37.009(a)*

A board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of placement in a DAEP may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees or extended placement is in the best interest of the student. *Education Code 37.009(d)*

Beyond Grading Period or 60 Days

If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before a board or designee.

No Appeal

Any decision of a board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.

Education Code 37.009(b)

Beyond End of School Year

Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, a board or designee must determine that:

1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Education Code 37.009(c)

Order of Removal

A board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. *Education Code 37.009(g)*

Not later than the second business day after the date of the removal conference, a board or designee shall deliver a copy of the order placing the student in a DAEP and any information required under Family Code 52.04 to the authorized officer of the juvenile

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court in the county in which the juvenile resides. *Education Code 37.010(a)*

Activities

The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.006(g)*

In addition to any notice required under Code of Criminal Procedure 15.27 [see GRAA], a principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.006(o)

DAEP at Capacity

If a DAEP is at capacity at the time a CBC is deciding placement for a student who engaged in conduct described under Education Code 37.006(a)(2)(C-1) (possession or use of marijuana), (C-2) (possession, use, delivery of an e-cigarette), (D) (delivery of alcohol), or (E) (abuse of volatile chemical), the student shall be placed in in-school suspension; and if a position becomes available in the program before the expiration of the period of the placement, transferred to the program for the remainder of the period.

Placement of Student Who Engaged in Violent Conduct

If a DAEP is at capacity at the time a CBC is deciding placement for a student who engaged in conduct described under Education Code 37.007 that constitutes violent conduct~~, as defined by commissioner rule,~~ [see below at Determination of Violent Conduct], a student who has been placed in the program for conduct described under Education Code 37.006(a)(2)(C-1), (C-2), (D), or (E) (above) may be removed from the program and placed in in-school suspension to make a position in the program available for the student who engaged in violent conduct. If removed from the program and a position in the program becomes available before the expiration of the period of the placement, the student shall be returned to the program for the remainder of the period.

Revised for clarity.

Determination of Violent Conduct

Violent conduct means an act by a student against another person that is intended to result in physical harm, bodily injury, or assault

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or a threat that reasonably places the other person in fear of imminent physical harm, bodily injury, or assault. A CBC may determine whether a specific instance of conduct listed below rises to the level of violent conduct for purposes of determining placement in a DAEP.

1. The student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

2. While on or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property, the student engages in conduct that contains the elements of the offense of assault under Penal Code 22.01(a)(1), including when committed as an act of retaliation against an employee or volunteer, as described in Education Code 37.007(d).

3. While on or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in conduct that contains the elements of the offense of deadly conduct under Penal Code 22.05.

4. While within 300 feet of school property, or when committed as an act of retaliation against an employee or volunteer, whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

   a. Conduct that contains the elements of the offense of unlawful carrying of weapons under Penal Code 46.02;

   b. An offense relating to prohibited weapons under Penal Code 46.05;

   c. Aggravated assault under Penal Code 22.02;

   d. Sexual assault under Penal Code 22.011;

   e. Aggravated sexual assault under Penal Code 22.021;

   f. Arson under Penal Code 28.02;

   g. Murder under Penal Code 19.02;

   h. Capital murder under Penal Code 19.03;

   i. Criminal attempt to commit murder or capital murder under Penal Code 15.01;

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j. Indecency with a child under Penal Code 21.11;

k. Aggravated kidnapping under Penal Code 20.04;

l. Aggravated robbery under Penal Code 29.03;

m. Manslaughter under Penal Code 19.04;

n. Criminally negligent homicide under Penal Code 19.05;

o. Continuous sexual abuse of a young child or an individual with disabilities under Penal Code 21.02;

p. Selling, giving, delivering to another person, possessing, using, or being under the influence of a controlled substance or dangerous drug, excluding marijuana or tetrahydrocannabinol; or

q. Possessing a firearm, as defined by 18 U.S.C. 921.

5. The student engages in conduct against another student, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property, that contains the elements of:

a. The offense of aggravated assault under Penal Code 22.02;

b. Sexual assault under Penal Code 22.011;

c. Aggravated sexual assault under Penal Code 22.021;

d. Murder under Penal Code 19.02;

e. Capital murder under Penal Code 19.03; or

f. Criminal attempt to commit murder or capital murder under Penal Code 15.01.

6. While placed in a DAEP and on the program campus, the student engages in documented serious misbehavior despite documented behavioral interventions.

Education Code 37.009(a-1)-(a-2); 19 TAC 103.1205

19 TAC 103.1205

Completion of Proceedings Upon Withdrawal

If a student withdraws from a district before an order for placement in a DAEP is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student re-enrolls in the district the same or subsequent school year, the district may enforce the order at that time except for any period of the

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placement that has been served by the student in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the student enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

Enrollment in Another District

If a student placed in a DAEP enrolls in another district before the expiration of the placement, a board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes without completing the period of placement. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or
2. The student was placed in a DAEP by a district in another state and:
    a. The out-of-state district provides a copy of the placement order; and
    b. The grounds for placement are the same as grounds for placement in the enrolling district.

Education Code 37.008(j)

Out-of-State Placement

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

1. The student is a threat to the safety of other students or to district employees; or
2. Extended placement is in the best interest of the student.

Education Code 37.008(j-1)

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Court-Ordered Placement

Unless a board and the juvenile board for the county in which a district's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation department's role in supervising and providing other support services for students in DAEP programs:

1. A court may not order a student expelled under Section 37.007 to attend a school district DAEP as a condition of probation;

2. A court may not order a student to attend a DAEP without a district's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

Education Code 37.010(c)-(d)

School Activities

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(e)*

Placement After Court Disposition

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, a district may not refuse to admit the student if the student meets the requirements for admission into the public schools. A district may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

Not Guilty/ Insufficient Evidence/Charges Dropped

The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the school district that removed a student to a DAEP under Education Code 37.006 if:

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

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On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review. The superintendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Education Code 37.006(h); Code of Criminal Procedure 15.27(g)

Appeal After Placement Upheld

The student or the student's parent or guardian may appeal a superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. A board shall, at the next scheduled meeting, review the notice provided by the office of the prosecuting attorney or the office or official designated by the juvenile board; receive information from the student, the student's parent or guardian, and the superintendent or designee; and confirm or reverse the superintendent's decision. The board shall make a record of the proceedings.

If a board confirms the decision, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner of education. The student may not be returned to the regular classroom pending the appeal to the commissioner.

Education Code 37.006(i)-(j)

120-Day Review of Status

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by a board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required to provide a course in the DAEP, except as required by Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent. *Education Code 37.009(e)*

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Additional Proceedings

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the principal or board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

Reporting

A district may include the number of students removed to a DAEP in its annual performance report. *Education Code 39.306(e)(5)* [See AIB]

Note: See FOF for provisions concerning students with disabilities.

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Students with Disabilities Under Section 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

Note: The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

Students Receiving Special Education Services

ARD Committee Required

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(a)-(b)*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP Placement Not Solely for Educational Purposes

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)-(d)*

Removal for 10 Days or Less

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, to the extent those alternatives are applied to children without disabilities. *20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)*

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Services During Removal	A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. *34 C.F.R. 300.530(d)*
Subsequent Removals of 10 Days or Less	School personnel may remove the student for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). *34 C.F.R. 300.530(b)(1)*
Services During Removal	After a student has been removed from his or her current placement for 10 school days in the same school year, during any subsequent removal of 10 consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). *20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)*
Notice of Procedural Safeguards	Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. *20 U.S.C. 1415(k)(1)(H)*
Removals That Are a Change in Placement	Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review [see Manifestation Determination, below]. *Education Code 37.004(b)*
Behavior Assessment and Intervention	If a district takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under federal law, the district shall: 1. Not later than the 10th school day after the change in placement: a. Seek consent from the student's parent or person standing in parental relation to the student to conduct a functional behavioral assessment of the student, if a functional behavioral assessment has never been conducted

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on the student or the student's most recent functional behavioral assessment is more than one year old; and

b. Review any previously conducted functional behavioral assessment of the student and any behavior improvement plan or behavioral intervention plan developed for the student based on that assessment; and

2. As necessary, develop a behavior improvement plan or behavioral intervention plan for the student if the student does not have a plan or, if the student has a behavior improvement plan or behavioral intervention plan, revise the student's plan.

Education Code 37.004(b-1)

Change in Placement

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than 10 consecutive school days; or

2. Subjected to a series of removals that constitute a pattern because:

a. The series of removals total more than 10 school days in a school year;

b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and

c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

34 C.F.R. 300.536

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. *20 U.S.C. 1415(k)(1)(A)*

Manifestation Determination

Within 10 school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any

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teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or

2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

If the district, the parent, and relevant members of the ARD committee determine the conduct was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.

20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

Expulsion

In a county with a juvenile justice alternative education program (JJAEP) [see FODA], a district must invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss the discretionary expulsion under Education Code 37.007 of a student with a disability. The district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. *19 TAC 89.1052*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

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2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)-(2)

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

19 TAC 89.1052

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or

2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)

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Special Circumstances

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the Texas Education Agency (TEA) or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)

Appeals

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151* [See EHBAE]

Placement During Appeals

When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of

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the student's assignment to the alternative setting, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533*

Reporting Crimes

Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). *20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535* [See FL]

Students Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. *20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)*

District Knowledge

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)

Exception

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)

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If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)

Behavior Management Techniques

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

[For restrictions on aversive techniques, see FO.]

Rules on Restraint and Seclusion

The commissioner by rule shall adopt procedures for the use of restraint and time-out by a district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services. The procedures must be consistent with Education Code 37.0021(d). *Education Code 37.0021(d)*

School Peace Officers

This provision and any rules or procedures adopted under this provision apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a district; or
2. Provides, as a school resource officer, a regular police presence on a district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h); 19 TAC 89.1053(~~l~~m)

Exceptions

Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by

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Education Code 37.0021(i) [see Restraint, Documentation, below];

2. Juvenile probation, detention, or corrections personnel; or

3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

Law Enforcement Duties

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(~~l), (~~m~~), (n~~)

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and

2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021(f)

Peace Officer or Security Personnel Use of Restraint or Taser

A peace officer performing law enforcement duties or school security personnel performing security-related duties on school property or at a school-sponsored or school-related activity must not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below, unless the student poses a serious risk of harm to the student or another person [see FO defining Taser]. *19 TAC 89.1053(l)*

19 TAC 89.1053

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

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"Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and
2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

Restraint

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. *19 TAC 89.1053(b)(2)*

The following provisions do not apply to the use of physical force or a mechanical device that does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced above does not include:

1. Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
2. Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the IEP as required by 34 C.F.R. 300.324(a)(2)(i) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
4. Seat belts and other safety equipment used to secure students during transportation.

19 TAC 89.1053(f)

Limitations on Use of Restraint

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.

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4. Restraint shall not deprive the student of basic human necessities.

19 TAC 89.1053(c)

Emergency — "Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1)

Training — Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).

Documentation — In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation and notification requirements set forth at 19 Administrative Code 89.1053(e).

A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.

Education Code 37.0021(i)

Time-Out — "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

19 TAC 89.1053(b)(3)

Limitations on Use of Time-Out — A school employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.

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2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or behavior improvement plan or behavioral intervention plan if it is utilized on a recurrent basis to increase or decrease targeted behavior.

3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

19 TAC 89.1053(g)

Training

Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

Documentation

Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP and/or behavior improvement plan or behavioral intervention plan. If a student has a behavior improvement plan or behavioral intervention plan, the district must document each use of time-out prompted by a behavior of the student specified in the student's behavior improvement plan or behavioral intervention plan, including a description of the behavior that prompted the time-out. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

19 TAC 89.1053(i)

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Abilene Independent School District Board Document - 25-26 Staff Development Waiver

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Consent Future Action Required: No If Yes, Month: N/A

Subject: Staff Development Waiver

Background Information:

TEA allows districts to apply for a waiver to use up to 2,100 student instructional minutes for staff development purposes. AISD Administrators would like to apply for this waiver to use in place of instructional minutes on September 22, 2025, October 10, 2025, October 31, 2025, February 13, 2026, and February 16, 2026.

It is critical to the success of AISD that we provide ongoing staff development to our staff. Teacher contracts are developed around a number of days while student time and school funding is developed in minutes. This waiver allows us to provide the necessary staff development while continuing to meet the minutes required for full funding levels from The State.

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Attached Supporting Documents:

1. Draft Waiver Application
2. Excerpt from 25-26 Staff Development Waiver Guidebook

Fiscal Implications:

None

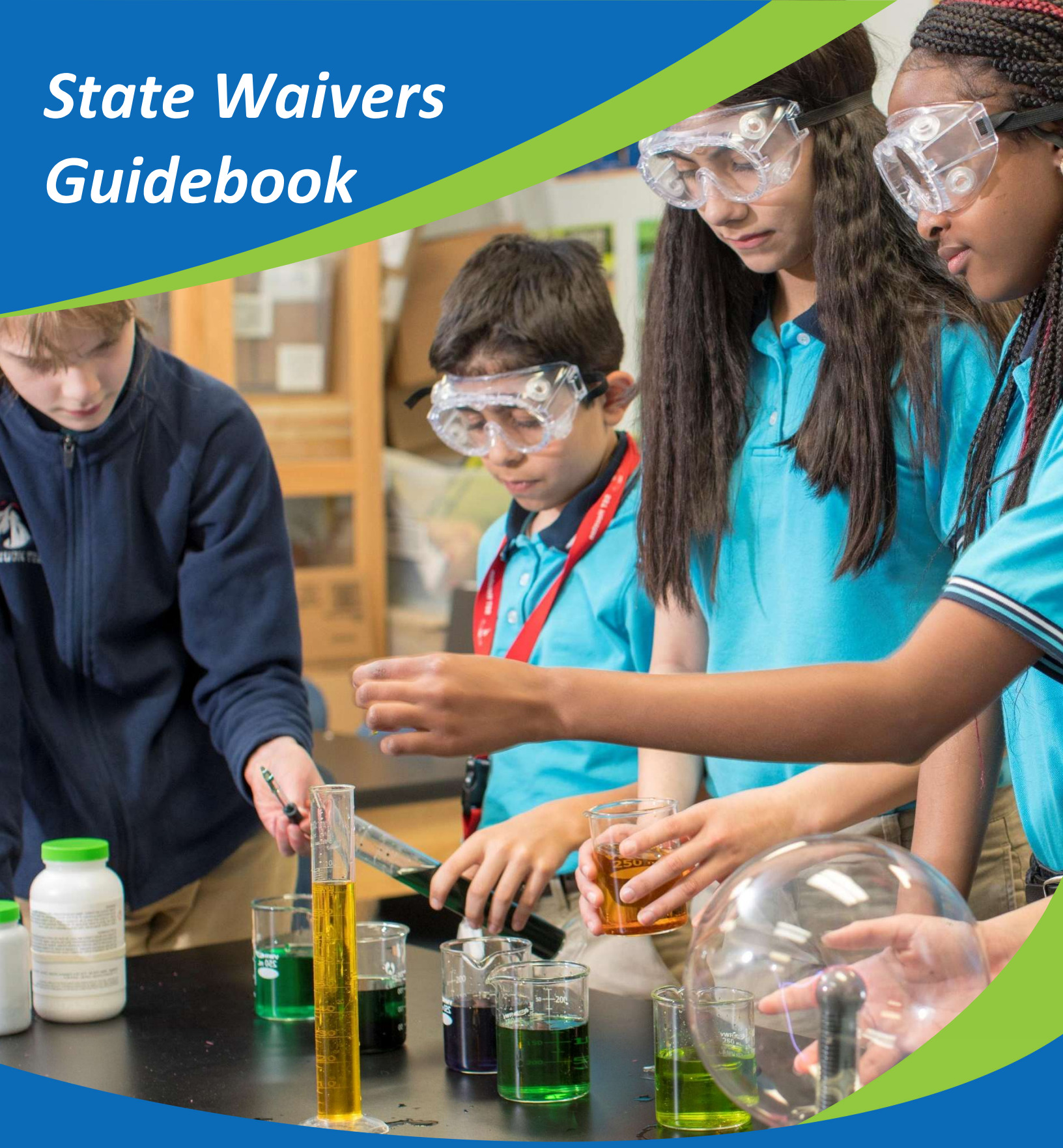
Administrative Recommendation:

Approve application for 25-26 Staff Development Waiver

Contact Person:

Patti Blue

State Waivers Guidebook



A Guide to State Waivers for School Systems

2025-2026

Texas Education Agency

Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the specific waiver application request was approved

Resources:

- Student Attendance Accounting Handbook
  - Section 3.2.1.2 Code 1 Eligible for Full-Day Attendance
  - Section 3.2.1.3 Code 2 Eligible for Half-Day Attendance
  - Section 3.6.6 Attendance Accounting During Testing Days

Staff Development Minutes Waiver

This waiver allows the district and charter schools to train staff on various educational strategies designed to improve student performance in lieu of student instruction during the school year. The waiver provides for a maximum of 2,100 total waiver minutes to use for professional development for districts and charter schools that provide operational and instructional minutes.

Each district and open-enrollment charter school may choose how to apply their approved waiver. For instance, schools may choose to offer early release, late start, all day staff development, or a combination of these options. The waiver minutes may also be utilized differently at different campuses.

This waiver is for staff development in place of student instruction; therefore, the waiver minutes are only applicable to staff development provided instead of student instruction during the school year.

Things to Consider:

- Districts and open-enrollment charter schools that are four-day-school-week school systems are not eligible to receive a staff development waiver. School systems will be required to identify whether they have a 4-day or 5-day school week on the waiver application.
- Staff development *waiver* minutes may not exceed 2,100 (5 days for charter schools operating before 1/1/2015 whose operational calendar is on days rather than minutes).
- Staff development *waiver* minutes may only be used during the school year and may not be used prior to the first day of student instruction or after the last day of student instruction.

- Staff development on staff development waiver days may be specific to the needs of individual campuses/workgroups and may be delivered at different physical locations, however the professional development must be synchronous and scheduled to take place at the same time and for the same length of time for all staff employed at the same campus on the day(s) the district is claiming staff development waiver minutes for that campus.
- Staff development *waiver* minutes are not applicable to "exchange/trade" days or professional development minutes that staff may accumulate on their own time "on demand" or outside of the school/workday.
- The maximum total number of minutes waived per academic year may not exceed 4,200. The minutes utilized as part of this waiver apply to the 4,200 waiver minutes cap. (*This includes low attendance day, missed school day, staff development, operational and instruction time for school safety training, and any other minute-related waivers.*)
- Minutes utilized as part of this waiver apply toward the annual 75,600 operational minute requirement.
- On staff development days when students are in attendance part of the day, the district or open-enrollment charter school must provide at least 120 minutes of student instruction to receive full ADA funding (see Student Attendance Accounting Handbook (SAAH), Section 3.8.1.4 Staff Development Waivers).
- Any staff development *waiver* minutes reported must reflect actual staff development minutes provided.
- Board approval of an academic calendar inclusive of staff development minutes/days *is not* tantamount to approval of a waiver application request; *each document must be board approved as separate agenda items.*
- Districts or charter schools must demonstrate that they are providing high quality staff development that will impact student outcomes.

Required Information (entered on waiver application):

- School System Contact (*First Name, Last Name, Phone, Email*)
- Date of Board Approval (*This date should match the date the board approved the waiver per the agenda attached as supporting documentation*)
- School Year Requested (*2025-2026 only*)
- Type of School Calendar (*4-day week or 5-day week*)

Supporting Documentation (submitted with waiver application):

- Board agenda from meeting at which the specific waiver application request was approved

Texas Education Agency

Waivers

2025-2026 Application for Staff Development Minutes Waiver

Waiver ID: 84098

Application Information

Category: Expedited

Creator: Patti Blue, District Editor

Status: Draft

Creation Date: 8/24/2025

Approving Superintendent:

Assigned To: Patti Blue

Related Waivers (50)

LEA Contact

LEA Information

***First Name:**

Patti

***Last Name:**

Blue

***Phone:**

(325) 677-1444

Ext:

3747

***Email:**

patricia.blue@abileneisd.org

LEA: ABILENE ISD (221901)

Address: P O BOX 981, ABILENE, TX 79604-0981

Phone: (325) 677-1444 **Ext:** 7639

Date of LEA Board of Trustees Approval

***Date:**

Attach a copy of the board agenda or minutes from the meeting at which the specific waiver request was approved using the LEA Attachments section below.

Information

Pursuant to Texas Education Code (TEC) §25.081 this waiver allows the district or charter school to train staff on various educational strategies designed to improve student performance in lieu of a maximum of:

- 2,100 minutes of student instruction for districts and charter schools that provide operational and instructional minutes; or
- 5 days of student instruction for charter schools that provide 180 days of operation

Requested Years

Years		
2025-2026	☑	For the requested school year **2025-2026**, please select the appropriate type of school calendar from the following:
		○ **4-day week** ◉ **5-day week**

***At least one school year is required.**

Related Waivers (50)

LEA Attachments (0)

There are no LEA attachments.

Add Attachment

***Attachment title**

Choose File No file chosen

Add

Change History

Click to expand.

Complete & Route | Save | Cancel Application | Print PDF | Close

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waivers 2.26.5.0

Abilene Independent School District Board Document - Academic Achievement

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Report Future Action Required: No If Yes, Month: N/A

Subject: Academic Achievement Report

Background Information:

All 2025 Accountability information has been finalized and released publicly. At the August Board meeting, the information was not public and final. This is our first opportunity to present this to The Board.

Attached Supporting Documents:

None

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Fiscal Implications:

None

Administrative Recommendation:

None

Contact Person:

Patti Blue

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Board of Trustees Meeting

September 8, 2025

2024-2025 Academic Report

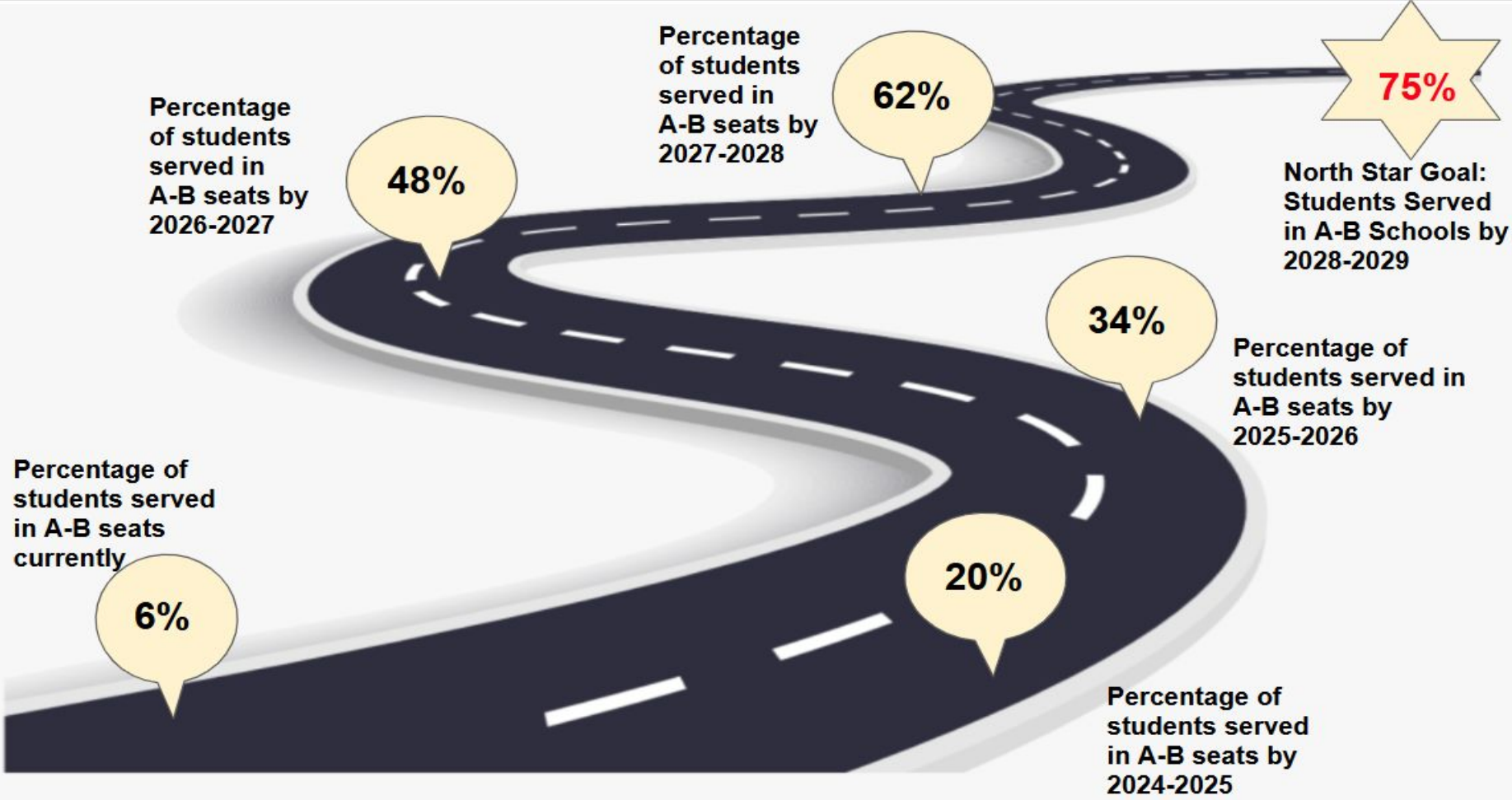
Patti Blue
Associate Superintendent for Curriculum and Instruction



North Star Goal

By the end of the 2028-2029 school year, 75% of students in Abilene ISD will be in A or B seats.

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Percentage of students served in A-B seats by 2026-2027
48%
Percentage of students served in A-B seats by 2027-2028
62%
75%
North Star Goal: Students Served in A-B Schools by 2028-2029
34%
Percentage of students served in A-B seats by 2025-2026
Percentage of students served in A-B seats currently
6%
20%
Percentage of students served in A-B seats by 2024-2025



Percentage of Students in A or B Seats

34

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ACCOUNTABILITY HIGH POINTS

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- **Districtwide rating increased** from 70 to 75
- 8 campuses **increased** their **rating** by at least 1 letter grade
- 11 campuses **increased** their **numerical rating**
- 7 campuses received an **A or B rating**

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A OR B RATED SCHOOLS

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- Abilene High School
- ATEMS
- Woodson Center for Excellence
- Craig Middle School
- Alcorta Elementary
- Austin Elementary
- Bonham Elementary

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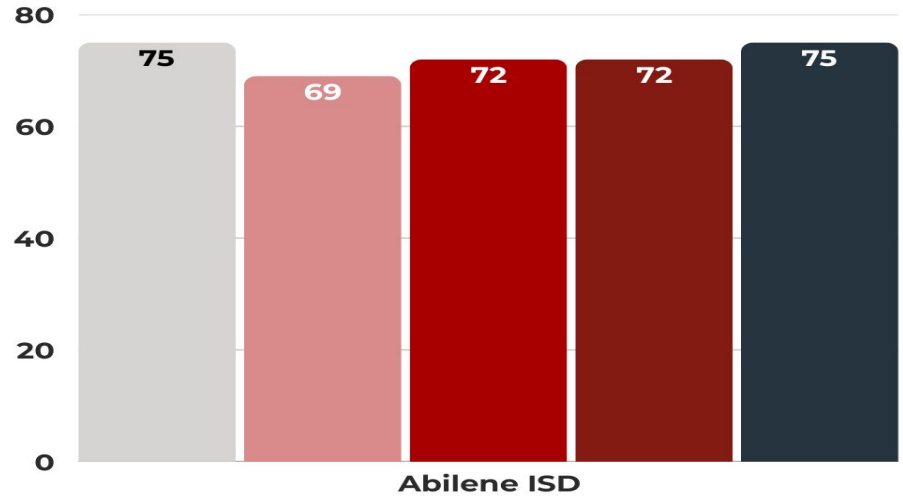
MORE SCHOOLS ON THE RISE

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Cooper High School	75 →	79
Clack Middle School	60 →	66
Mann STEAM Academy	65 →	66
Alcorta Elementary	79 →	81
Austin Elementary	74 →	82
Bonham Elementary	76 →	85
Bowie Elementary	57 →	63
Taylor Elementary	68 →	77

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2022 Rating *(Official)*

2022 Rating *(What If*)*

2023 Rating *(Official)*

2024 Rating *(Official)*

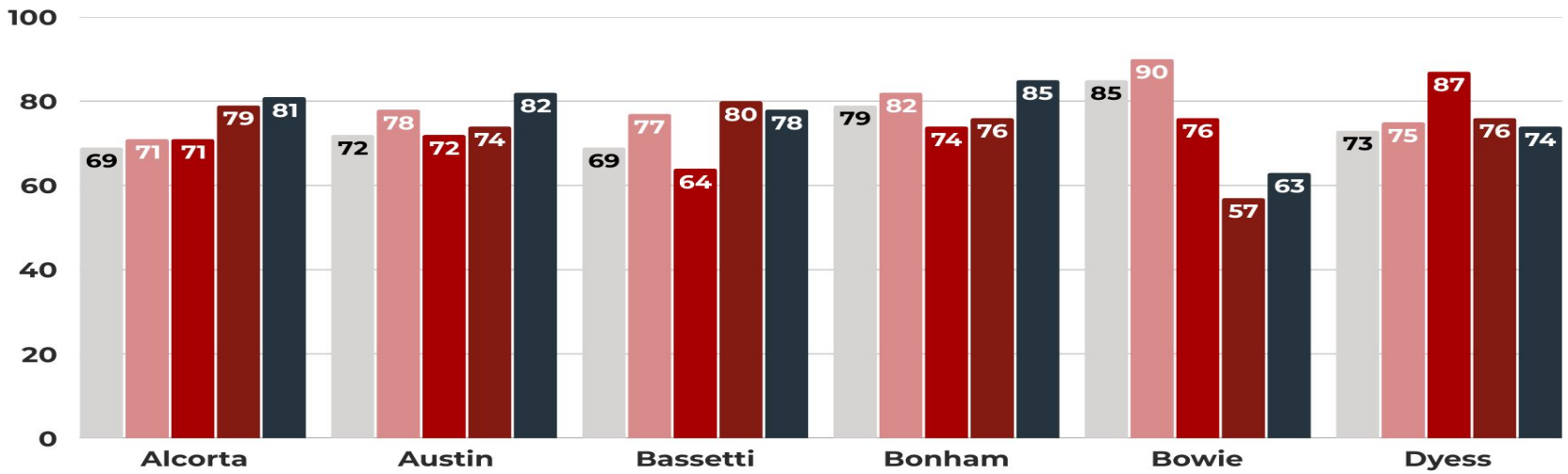
2025 Rating *(Official)*

**In 2023, the Texas Education Agency changed the A–F rating system. The 2022 "What If" rating shows how AISD would have scored under the new rules, which were used in ratings for the following years.*

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2022 Rating *(Official)*

2022 Rating *(What If*)*

2023 Rating *(Official)*

2024 Rating *(Official)*

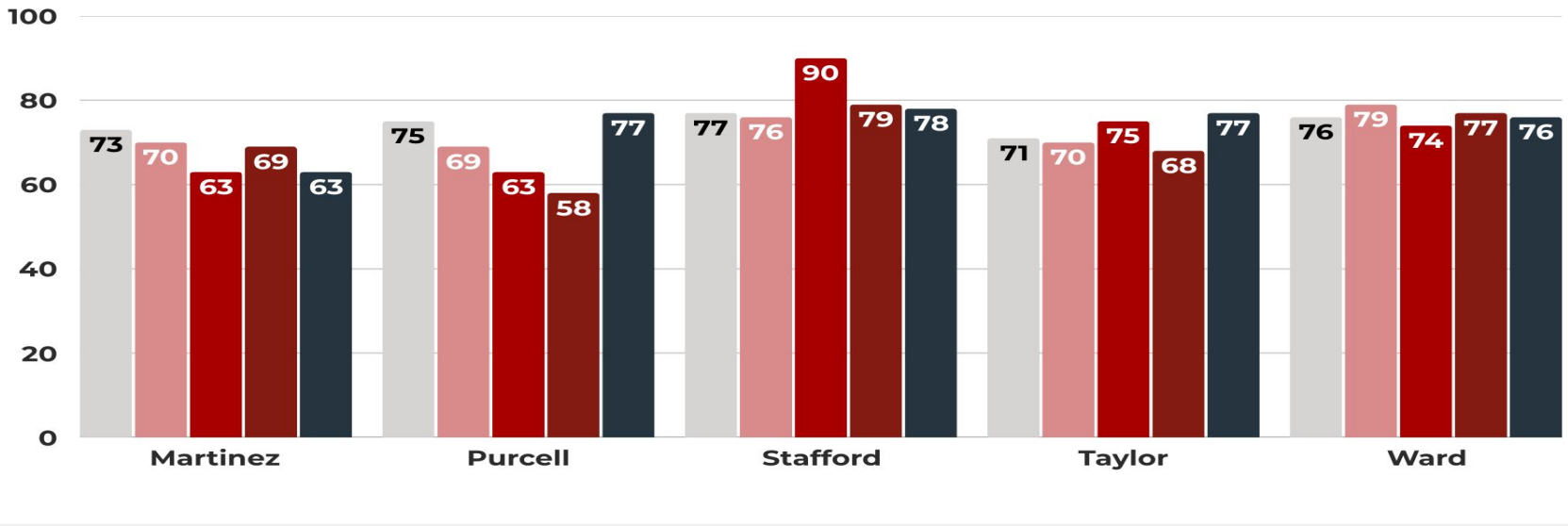
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2022 Rating *(Official)*

2022 Rating *(What If*)*

2023 Rating *(Official)*

2024 Rating *(Official)*

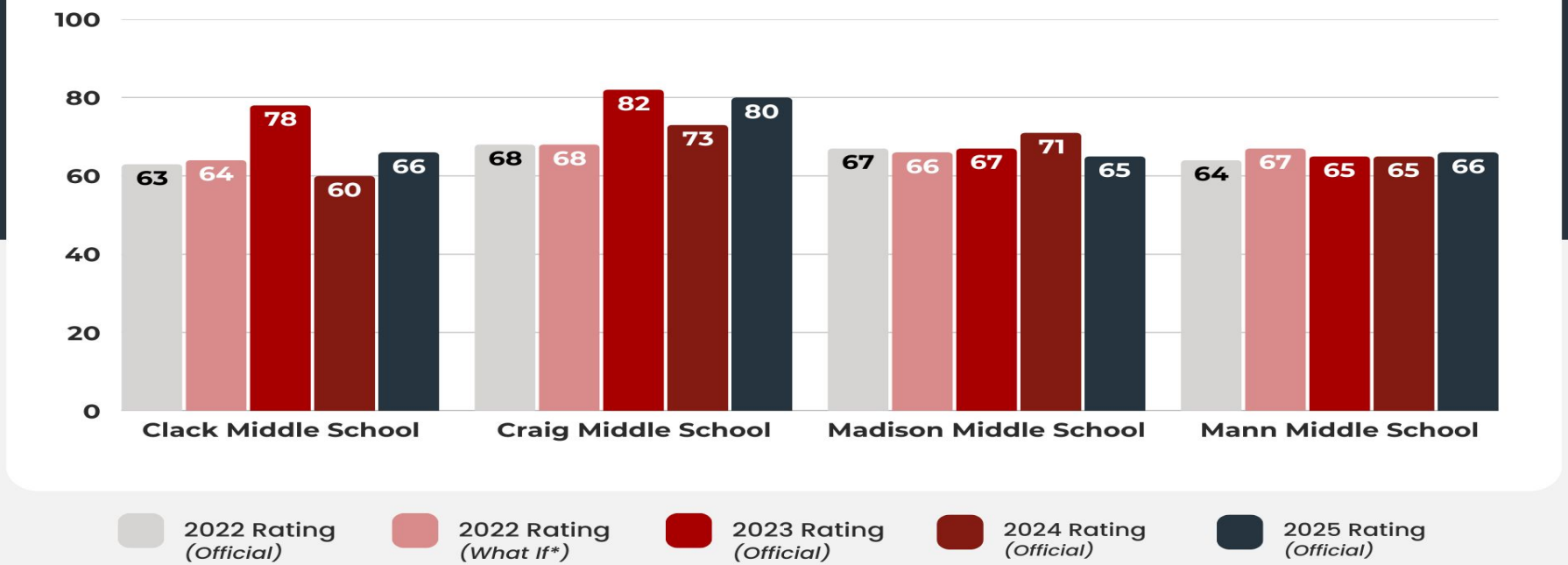
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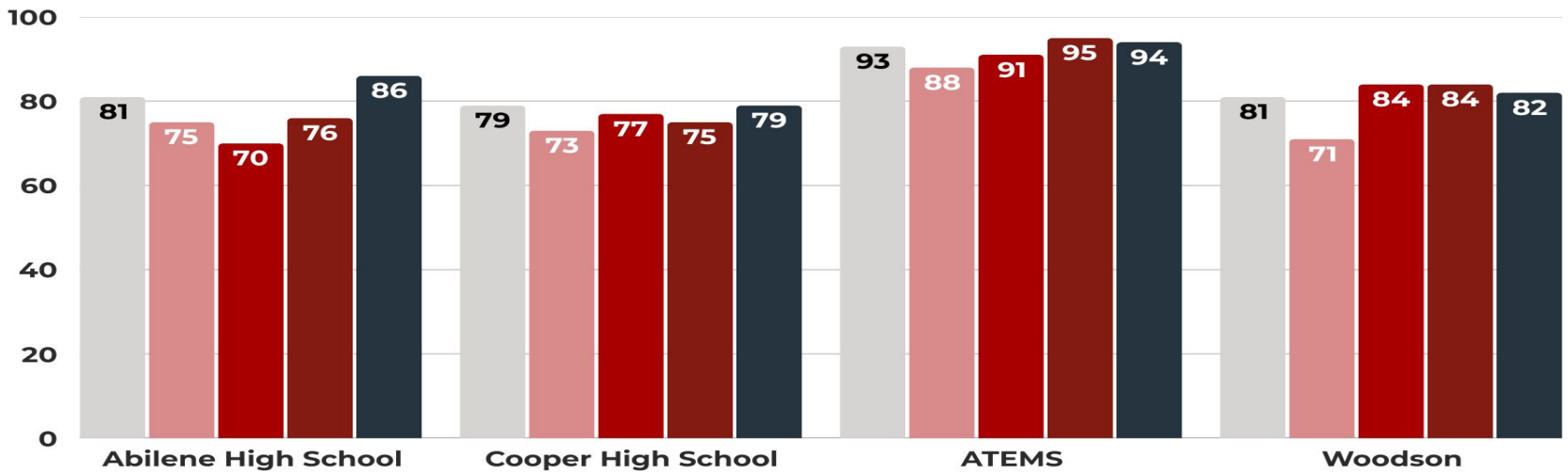


*In 2023, the Texas Education Agency changed the A–F rating system. The 2022 "What If" rating shows how AISD would have scored under the new rules, which were used in ratings for the following years.

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2022 Rating *(Official)*

2022 Rating *(What If*)*

2023 Rating *(Official)*

2024 Rating *(Official)*

2025 Rating *(Official)*

**In 2023, the Texas Education Agency changed the A–F rating system. The 2022 "What If" rating shows how AISD would have scored under the new rules, which were used in ratings for the following years.*

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Grades 3-8 RLA
STAAR Performance
2023-2025

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RLA - Approaches +

	Approaches +		
	2023	2024	2025
3 RLA	71%	69%	74%
4 RLA	71%	76%	76%
5 RLA	73%	72%	70%
6 RLA	69%	68%	69%
7 RLA	70%	60%	65%
8 RLA	77%	68%	70%

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RLA - Meets +

	Meets +		
	2023	2024	2025
3 RLA	44%	41%	43%
4 RLA	40%	44%	47%
5 RLA	48%	44%	49%
6 RLA	41%	47%	42%
7 RLA	42%	37%	40%
8 RLA	45%	38%	41%

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RLA - Masters

	Masters		
	2023	2024	2025
3 RLA	14%	16%	16%
4 RLA	16%	18%	19%
5 RLA	23%	20%	18%
6 RLA	14%	17%	16%
7 RLA	17%	16%	16%
8 RLA	15%	14%	19%

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Grades 3-8 Math
STAAR Performance
2023-2025

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Math - Approaches +

	Approaches +		
	2023	2024	2025
3 Math	66%	59%	60%
4 Math	60%	56%	60%
5 Math	73%	66%	65%
6 Math	63%	54%	59%
7 Math	54%	41%	25%
8 Math	61%	55%	58%

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Math - Meets +

	Meets +		
	2023	2024	2025
3 Math	37%	32%	34%
4 Math	36%	33%	36%
5 Math	39%	35%	36%
6 Math	24%	19%	20%
7 Math	27%	24%	4%
8 Math	23%	21%	32%

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Math - Masters

	Masters		
	2023	2024	2025
3 Math	15%	11%	12%
4 Math	14%	12%	18%
5 Math	13%	10%	14%
6 Math	9%	4%	5%
7 Math	9%	8%	0%
8 Math	4%	2%	9%

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High School
EOC Performance
2023-2025

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EOC - Approaches +

		Approaches +		
		2023	2024	2025
HS	English I	65%	62%	63%
HS	English II	74%	72%	72%
HS	Algebra I	75%	76%	79%
HS	Biology	85%	88%	89%
HS	US History	97%	96%	95%

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EOC - Meets +

		Meets +		
		2023	2024	2025
HS	English I	47%	46%	44%
HS	English II	54%	57%	58%	
HS	Algebra I	36%	41%	47%
HS	Biology	48%	50%	57%
HS	US History	73%	70%	69%

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EOC - Masters

		Masters		
		2023	2024	2025
HS	English I	10%	13%	10%
HS	English II	7%	5%	6%
HS	Algebra I	14%	20%	27%
HS	Biology	16%	14%	16%
HS	US History	38%	38%	38%

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2021-2025
Federal Accountability

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Federal Accountability

	2021	2022	2023	2024	2025
Alcorta	Comprehensive	Comprehensive Progress			
Austin				Targeted	
Bassetti			Targeted	Targeted	Targeted
Bonham	Targeted	Targeted	Targeted	Targeted	
Bowie	Targeted	Targeted	Targeted	Comprehensive	Comprehensive
Dyess					
Martinez	Additional Targeted				
Ortiz	Targeted	Targeted	Comprehensive	Comprehensive Progress	
Purcell	Targeted	Targeted		Targeted	
Stafford	Targeted	Targeted			
Taylor		Targeted		Targeted	
Thomas				Targeted	
Ward					
Clack	Targeted	Additional Targeted	Targeted	Comprehensive	Comprehensive
Craig	Targeted	Targeted			
Madison	Targeted	Additional Targeted	Targeted	Targeted	Additional Targeted
Mann	Targeted	Targeted	Targeted	Targeted	Targeted

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Questions?

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Abilene Independent School District Board Document - Academic Achievement

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Report Future Action Required: No If Yes, Month: N/A

Subject: Academic Achievement Report

Background Information:

All 2025 Accountability information has been finalized and released publicly. At the August Board meeting, the information was not public and final. This is our first opportunity to present this to The Board.

Attached Supporting Documents:

None

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Fiscal Implications:

None

Administrative Recommendation:

None

Contact Person:

Patti Blue

Advanced Academics Gifted and Talented

Patti Blue, Associate Superintendent for Curriculum & Instruction
Keri Thornburg, Executive Director for Elementary Education
Lyndsey Williamson, Executive Director for Secondary Education



Program Goals

The Abilene Independent School District offers instructional programs in **Kindergarten through grade twelve** for students who are identified as gifted and talented in the area of general intellectual ability.

The State Goal according to the Texas State Plan:

Students who participate in services designed for gifted/talented students will **demonstrate skills in self-directed learning, thinking, research, and communication** as evidenced by the development of innovative products and performances that reflect individuality and creativity and are **advanced in relation to students of similar age, experience, or environment.** High school graduates who have participated in services for gifted/talented students will have produced products and performances of professional quality as part of their program services.

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Identification and Referral

- All Kindergarten and 1st grade students are screened for GT
- Students in grades 2-11 not currently in the program may be referred by parent/guardian, teacher, counselor or administrator.
- All students new to AISD in grades 2-12 may be referred by a parent/guardian.
- New students who have been identified as GT on their records from another district may be enrolled in our GT program and reviewed at the end of the grading period if needed.
- Students may be tested once a school year for the GT program.

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Identification and Referral

AISD uses both qualitative (objective) and quantitative (subjective) measures to assess potential gifted and talented students, including but not limited to:

- Standardized school abilities tests (i.e., NNAT, CogAT)
- Parent checklists
- Teacher observations, planned experiences

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Elementary Advanced Academics Opportunities

- Campus-based program provided by GT trained teachers
- Differentiated instruction in the general education classroom in the areas of Math, Reading Language Arts, Science and Social Studies
- Supplemental enrichment activities - campus determined
  - Research projects based on interests
  - Additional learning activities such as STEM and Maker Space
  - Field trips
- GT students are encouraged to participate in Academic UIL activities
- Each campus is supported by an academic instructional coach who supports the teachers with planning for differentiated instruction and opportunities in the classroom for advanced learners.

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Middle School Advanced Academics Opportunities

- Honors courses provide both academic challenge and differentiated learning experiences for identified GT students as well as other students who wish to pursue accelerated and enriched curriculum.
  - English, Math, Science, Social Studies, Art
  - Honors social studies offering were added for the 25-26 school year

Middle School				
English	Math	Social Studies	Science	Art
6th Grade Honors	6th Grade Honors Math	6th Grade Honors	6th Grade Honors	8th-Art 1 Honors
7th Grade Honors	7th Grade Honors Math	7th Texas History Honors	7th Grade Honors	
8th Grade Honors	8th Grade Honors Algebra I	8th US History Honors	8th Grade Honors	

- GT students encouraged to participate in UIL activities

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High School Advanced Academics Opportunities

- High school GT students continue to participate in honors and Advanced Placement (AP) courses
  - English, Math, Science, Social Studies, Fine Arts, Foreign Language, Electives

- UIL Activities-District and State-level

English	**Mathematics**	**Science**
English I Honors	Algebra I Honors	Biology Honors
English II Honors	Geometry Honors	Chemistry Honors
AP English III	Algebra II Honors	AP Biology
AP English IV	AP Precalculus	AP Chemistry
	AP Calculus	AP Physics 1: Algebra-Based
Fine Arts	AP Statistics	AP Physics 2: Algebra-Based
Art I Honors		AP Environmental Science
Art II – Drawing I Honors	**Social Studies**	Honors Engineering Science
Art III –Drawing II Honors	World Geography Honors	
AP Art/Drawing Portfolio	AP World History	**Foreign Language**
AP 2D Design Portfolio	AP US History	Spanish I Honors
Art II – Photography I Honors	AP US Government and Politics	Spanish II Honors
Art III – Photography II Honors	AP Macroeconomics	Spanish III Honors
AP 2D Design Portfolio –	AP European History	AP Spanish IV
Photography/Digital Imaging	AP Psychology	AP Spanish V
Art II – Sculpture I Honors	AP Government	
Art III – Sculpture II Honors		
AP 3D Design Portfolio		
AP History of Art		
AP Music Theory		
Other:		
AP Computer Science A-LOTE		
AP Seminar (Year I of AP Capstone)		
AP Research (Year 2 of AP Capstone)		
Introduction to Engineering Design Honors		
Engineering Design and Development		
Engineering Science Honors		
Computer Integrated Manufacturing Advanced Honors		
Aerospace Engineering Advanced Honors		



Elementary Program Spotlight

Taylor Elementary - Supplemental Activities for GT students

Taylor has chosen to use a portion of their federal funds to pay for an Acceleration and Enrichment Teacher who delivers Makerspace instruction to all students as well as provides weekly supplemental instruction for GT students.

- Additional Makerspace opportunities
- Research Projects
- Lessons and activities using the Depth and Complexity framework

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Middle School Program Spotlight

Addition of Robotics 6-8

A robotics program is an excellent way to support GT students in the following ways:

- Encourages higher-order problem solving & critical thinking
- Fosters creativity and innovation through design & coding
- Connects math, science, and technology to real-world applications
- Provides enrichment and acceleration beyond the core curriculum
- Builds collaboration, leadership, and teamwork skills
- Motivates through competitions and showcases of talent

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High School Program Spotlight

Abilene ISD students are outperforming the State on AP exams in multiple areas (% scoring a 3 or higher):

Exam	District	Texas	Global
Biology	73.8%	59.0%	70.4%
English Language	66.4%	61.8%	74.8%
English Literature	75.6%	61.8%	74.7%
Environmental Science	63.8%	58.4%	68.9%
Pre-Calculus	83.6%	72.3%	80.4%
2D Art and Design	86.7%	73%	82.9%
Drawing	93.9%	73%	84.2%

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Teacher Requirements and Professional Learning

30 hours of initial GT professional development through Region 14 which includes five separate courses over five days:

- Nature and Needs of Gifted Learners
- Identification and Assessment
- Differentiation
- Creativity and Critical Thinking
- Depth and Complexity

6 hours of updated professional development each school year

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Teacher Support

- Instructional Coaches and Instructional Facilitators
  - Instructional modeling and planning support
  - Participation in PLCs - planning for needs of advanced learners
- District support through the Curriculum and Instruction department
  - Content Coordinators
  - Curriculum documents and materials
- Professional Development support outside of AISD such as Region 14 and AP College Board

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State Funding for Gifted and Talented

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	GT Enrollment	Campus Enrollment	GT Campus %
Alcorta	52	435	11.95%
Austin	112	760	14.74%
Bassetti	38	534	7.12%
Bonham	40	484	8.26%
Bowie	50	601	8.32%
Dyess	56	636	8.81%
Martinez	37	709	5.22%
Purcell	49	692	7.08%
Stafford	48	564	8.51%
Taylor	133	801	16.60%
Ward	55	498	11.04%
Clack	50	713	7.01%
Craig	94	743	12.65%
Madison	92	779	11.81%
Mann	108	803	13.45%
Abilene High	205	1840	11.14%
Atems	72	369	19.51%
Cooper	124	1611	7.70%
TOTALS	1415	13572	10.43%

GT Numbers by Campus

Does not include all AISD campuses.
(Long, Crockett, DAEP, Woodson, JJAEP)

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How does GT Funding Work?

- GT is a “weighted” funding allotment. (**0.07** is the current Basic Allotment multiplier)
- Capped allotment. This funding is only provided for up to **5%** of the district’s Average Daily Attendance (ADA).
- Must spend 100% of this allotment every year on GT assessment or programming.
- **Example:**
  - ADA: 13,330
  - 13,330 X **5%** = **666.5** (capped number of GT students we can receive allotment for)
  - Basic Allotment: $6215
  - $6215 x **0.07** = $**435.05**
  - $**435.05** is the additional amount we receive per GT student- up to **666.5** students
  - $**435.05** x **666.5** = **$289,960.83** Total GT Allotment received for one year

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	2025-2026	2024-2025	2023-2024	2022-2023
	Proposed	Preliminary	Final	Final
Refined ADA	12600	12600	13300	14100.453
GT ADA	1400	1429	1437	1352.556
GT Funding Cap	630	630	665	705.023

Refined ADA and GT ADA Numbers Taken from 25-26 AISD Budget Book

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How did AISD spend the GT Allotment in 2024-2025?

• Salaries and Benefits:	$279,086.28
• Pearson (GT Testing):	$4,620.00
• Renzulli Learning (GT Online Learning System):	$6,780.00
• Riverside Insights (GT Testing):	$9,680.00
• P A Publishing (Book Study):	$703.78
GRAND TOTAL:	$300,870.06

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Questions?

ABILENE ISD

Abilene Independent School District Board Document - Agenda Item III.B.III

Meeting Date: August 7,2025 Meeting Type: Regular Board Meeting

Item Type: Report Future Action Required: none If Yes, Month: N/A

Subject: TCASE

Background Information:

Texas Council of Administrators of Special Education (TCASE) came to Abilene ISD in May 2025, to evaluate our special education department and provide feedback of areas we are doing well, and areas we need to make changes to best serve the students of Abilene ISD.

Attached Supporting Documents:

Presentation

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Fiscal Implications:

Possible curriculum cost, higher SHARS reimbursement, additional staff, and better use of federal grant money.

Administrative Recommendation:

None at this time.

Contact Person:
Stevnaie Jackson

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Board of Trustees Meeting

August 7, 2025

Agenda Item III. B. III.

Dr. Stevanie Jackson



TCASE Explanation

Texas Council of Administrators of Special Education (TCASE) provided a comprehensive review of Abilene ISD's special education program and services. They visited 17 campuses, reviewed 440 survey responses, analyzed 108 documents, 15 student IEP's, and conducted 14 focus groups and 12 interviews.

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Why they came

- We asked them to come
  - New leadership
  - Desire for an outside opinion of the department
  - Knowledge of where to start
  - With all of the information they collected they provided us with things we are doing well and suggestions of areas for growth.

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District Make Up

As of August 27

Special education students make up

21%

Of the students in AISD

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Special Education Numbers

District Wide

Total - 3056

Speech only - 398

Mainstreamed - 273

Resource - 1871

Self-contained - 508

Homebound - 6

Referrals so far: 36

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Things we are doing well

Staffing

- Self-contained teachers/aides to student ratio
- Dyslexia teacher to student ratio

Identification and Timelines

- Students are not over identified in any one area
- Consistently meet testing timelines



Areas for Growth

- Changes we have made
- Changes we are in the process of making
- Short term goals, now -2 years
- Long term goals, 3+ years

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Changes we have accomplished

- Improve communication between campus and SPED department

- IEP training
  - All special education staff has been trained by Region 14 this summer

- Reduce caseloads for diagnosticians
  - Balanced numbers
  - Hired 3 additional ARD facilitators
  - School Psychologists are managing a caseload

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Continued:

- Support instruction in Resource, PALS, and ADAPT classrooms
  - Content Coordinator hired to provide support
- Monitor self-contained class size and ratio of student to adult
  - Added 1 K-PALS class
- Piloting curriculum for PALS classrooms
  - 4 classes: 1 elementary, 2 MS, and 1 HS

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Changes we are in the process of making

- Balance the responsibilities of lead positions
- Uniform way to track services students are receiving
- Evaluate the placement of students in resource vs inclusion to verify best placement of students



Short term goals Now - 2 years

- Monitor proportionate share services
- Monitor dyslexia student to teacher ratio as numbers grow
- Monitor resource/inclusion numbers at elementary and secondary level and work towards appropriate staffing
- Evaluate PALS/ADAPT curriculum
- Maximize SHARS benefits
  - Work with finance to ensure the correct people are paid out the SPED fund
  - Ensure we are billing for all billable activities

Long term goals

3+ years

- Parent advisory
  - Improve communication between families and school
- Full continuum of services
  - Academic and behavioral
- 1:16 elementary resource/inclusion
- 1:20 secondary resource/inclusion

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Questions?

ABILENE ISD

Abilene Independent School District Board Document - Agenda Item VII.D.

Meeting Date: September 8, 2025 Meeting Type: Regular Meeting

Item Type: Report Future Action Required: No If Yes, Month: N/A

Subject: Efficiency Audit in Preparation for VATRE

Background Information**:** As part of the requirements under Texas Education Code §11.184, an efficiency audit must be conducted and publicly posted at least 30 days before the board adopts an order calling for a Voter-Approval Tax Rate Election (VATRE). This audit serves as a critical tool for both accountability and strategic decision-making. The efficiency audit provides a comprehensive, third-party evaluation of the district's financial and operational practices. Its primary purpose is to determine whether the district is maximizing the use of current resources in a manner that supports student achievement while maintaining fiscal responsibility.

Attached Supporting Documents: Final Draft of Efficiency Audit Report from Eide Bailly

Fiscal Implications:

Administrative Recommendation: None

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Contact Person: Jennifer Hinds

Efficiency Audit

Abilene Independent School District

August 31, 2025

Report of Independent Auditors on an Efficiency Audit Conducted in Accordance with *Government Auditing Standards* 1

Section I – Executive Summary 2

Section II – Summary of Audit Results 3

Section III – Objectives and Approach 5

Section IV – District Data on Accountability, Students, Staffing and Finances, with Peer and State Comparisons 9

Section V – Additional Financial, Operational, and Academic Information 21

Report of Independent Auditors on an Efficiency Audit Conducted in Accordance with *Government Auditing Standards*

To the Board of Trustees and Citizens
Abilene Independent School District
Abilene, Texas

Eide Bailly, LLP conducted an efficiency audit as prescribed by the State of Texas Legislative Budget Board for Abilene Independent School District ("the District"). The purpose of this report is to communicate the results of the efficiency audit.

The purpose of our efficiency audit was to assess the District's fiscal management, efficiency and utilization of resources, and whether the District has implemented best practices utilized by Texas school districts before an election to adopt a Maintenance and Operations (M&O) property tax rate.

Our efficiency audit was conducted in accordance with the standards applicable to performance audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the performance audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our performance audit objectives. We believe that the evidence obtained provides a reasonable basis for our observations and conclusions based on our performance audit objectives.

The procedures performed did not constitute an audit, a review, or a compilation of the District's financial statements or any part thereof, nor an examination of management's assertions concerning the effectiveness of the District's internal-control systems or compliance with laws, regulations, or other matters. Accordingly, the performance of the procedures did not result in the expression of an opinion or any other form of assurance on the District's financial statements or any part thereof, nor an opinion or any other form of assurance on the District's internal-control systems or its compliance with laws, regulations, or other matters.

Abilene, Texas
August 18, 2025

Overview of Procedures Performed

Eide Bailly LLP was contracted to conduct an efficiency audit for Abilene Independent School District ("the District"). The District's efficiency audit report follows the guidelines prescribed by the Legislative Budget Board. These guidelines identify the scope and areas of investigation.

Because the District is proposing a maintenance and operations (M&O) tax rate for tax year 2025 that exceeds their voter-approval tax rate, House Bill 3 (86th Legislature) generally requires a school district's board of trustees to conduct an efficiency audit before seeking voter approval to adopt the M&O tax rate. The efficiency audit incorporates Texas Education Agency (TEA) Public Education Information Management System (PEIMS) standard data for school years 2019-2020 through 2023-2024, TEA PEIMS financial data for 2023-2024, Texas Academic Performance Reports (TAPR) data for 2023-2024, 2024 TEA FIRST Ratings, and 2024 TEA Accountability Ratings.

A summary of audit results is presented in Section II of the report. Section III provides an overview of objectives and approach performed during the efficiency audit. District data on accountability, students, staffing and finances, with peer districts and state comparisons are described in Section IV of this report. Section V describes additional financial, operational, and academic information for the district.

On November 4, 2025, Abilene Independent School District ("the District") is holding an election to increase the District's maintenance and operations (M&O) property tax rate in tax year 2025 or school year 2025-26. M&O taxes are used for the operation of public schools.

Without an election, the District's M&O tax rate would be $0.6821. The District is proposing to increase the M&O tax rate by $0.0600 through a voter approval tax rate election (VATRE) to $0.7421. The District's 2024-25 M&O tax rate of $0.6890 was less than the peer districts average M&O tax rate of $0.7582. The state average 2024-25 M&O tax rate is not yet available. The District's proposed 2025-26 M&O tax rate of $0.7421 is more than the peer districts average proposed M&O tax rate of $0.7164.

District	2024-25 M&O (2024 tax rate)	2025-26 M&O (2025 proposed tax rate)
Abilene ISD	$ 0.6890	$ 0.7421
Belton ISD	0.7552	0.7552
New Caney ISD	0.7516	0.7552
Southwest ISD	0.7217	0.7217
Bastrop ISD	0.6669	0.6669
Canyon ISD	0.6669	0.6669
Rockwall ISD	0.7869	0.7869
Tyler ISD	0.6953	0.6500
Waco ISD	0.7552	0.7664
San Angelo ISD	0.7249	0.7122
Wichita Falls ISD	0.7011	0.6822

The District expects to generate approximately $3.6 million in additional M&O tax revenue from the proposed increase in tax rate in the first school year, which represents about 2.3 percent of the District's current adopted operating budget for the 2025-26 school year.

If the District's VATRE is successful, the estimated increase in M&O property taxes paid by the owner of a single-family residential property at the current average taxable value of homesteads in the District of $57,673 would increase by $35.

	2025 Tax Year (Without VATRE)	2025 Tax Year (With VATRE)
Average market value for single-family residence	$ 188,874	$ 188,874
Average taxable value for single-family residence	$ 57,673	$ 57,673
M&O tax rate	$ 0.6821	$ 0.7421
M&O levy	$ 393	$ 428

The District has also proposed an interest and sinking (I&S) tax rate of $0.2159 to service its debt. These proposed tax rates are in addition to the tax rates adopted by the city, county, and special taxing districts.

If the VATRE is approved by voters, the District intends to balance the budget, and consider possible adjustments to compensation. If the VATRE does not pass, the District would be required to review District needs to determine priorities within budget limitations.

The District has not previously held a tax ratification election.

Below is key information about the District:

- The Texas Education Agency reviews and tracks the performance of both school districts and individual schools with the Texas A-F Accountability System. The District received an accountability rating of (C) along with 5 of its 10 peer districts. The District received an accountability rating of 72 compared to the peer group average of 75.

District	Rating (A-F)	Overall Score (1-100)
Abilene ISD	C	72
Belton ISD	C	79
New Caney ISD	C	72
Southwest ISD	C	75
Bastrop ISD	D	65
Canyon ISD	B	85
Rockwall ISD	B	88
Tyler ISD	C	78
Waco ISD	D	65
San Angelo ISD	D	68
Wichita Falls ISD	C	70

- Per the preliminary results, the District has earned a Superior Rating for the School Financial Integrity Rating System of Texas (FIRST) for the 2023-24 school year.

- The District's total operating expenditures for the most recent year totaled $12,144, while its peer districts average was $12,071 per student. The State's total average operating expenditures totaled $12,944 per student.

The District engaged Eide Bailly LLP to conduct the efficiency audit. Efficiency audits focus on informing voters about the District's fiscal management, efficiency, utilization of resources, and whether the District has implemented best practices. The information includes data and tools that the State of Texas currently utilizes to measure school district efficiency. Additional details and audit results are included in Section IV.

Objectives

The objective of this efficiency audit is to assess the District's fiscal management, efficiency, and utilization of resources, and whether the District has implemented best practices utilized by Texas school districts.

Approach

To complete the efficiency audit, Eide Bailly LLP performed the following procedures in accordance with the House Bill 3 Efficiency Audit Guidelines established by the Legislative Budget Board:

1. Selected 5 to 10 peer districts. For each guideline that asks for a peer district comparison, developed a simple average for peer districts, and used the same peer district group throughout the audit.

2. Reported on the overall 2023 accountability rating (A-to-F and the corresponding scale score of 1 to 100). Noted that the 2024 ratings remain pending and subject to change based on judicial rulings.

3. Compared the District's peer districts' average 2023 accountability rating and listed the following District's campus information:
    a. Accountability rating count for each campus level within the district.
    b. Names of the campuses that received an F accountability rating.
    c. Campuses that are required to implement a campus turnaround plan.

4. Reported on the District's School preliminary 2023-24 FIRST rating based on fiscal year 2024 data. For a rating of less than A, listed the indicators not met. Noted that the 2024-25 FIRST ratings based on fiscal year 2025 data are not yet available.

5. Reported on student characteristics for the District, its peer districts, and the state average using 2023-24 data including:
    a. Total Students
    b. Economically Disadvantaged
    c. English Learners
    d. Special Education
    e. Bilingual/ESL Education
    f. Career and Technical Education

6. Reported on the 2023-24 attendance rate for the District, its peer districts, and the state average.

7. Reported on the five-year enrollment for the District, including the most recent school year and four years prior, the average annual percentage change based on the previous five years, and the projected enrollment for the 2024-25 school year.

8. Reported on the following indicators related to the District's revenue, it's peer district' average, and the state average, and explained any significant variances using 2023-24 data.
    a. Local M&O Tax (Retained)(without debt service and recapture)
    b. State
    c. Federal
    d. Other local and intermediate
    e. Total revenue

9. Reported on the following indicators related to the District's expenditures, its peer districts' average, and the state average, and explained significant variances from the peer districts' average, if any, using 2023-24 data.
    a. Instruction
    b. Instructional resources and media
    c. Curriculum and staff development
    d. Instructional leadership
    e. School leadership
    f. Guidance counseling services
    g. Social work services
    h. Health services
    i. Transportation
    j. Food service operation
    k. Extracurricular
    l. General administration
    m. Plant maintenance and operations
    n. Security and monitoring services
    o. Data processing services
    p. Community services
    q. Total operating expenditures

10. Reported on the following indicators for payroll and select District salary expenditures compared to its peer districts' average and the state average and explained any significant variances from the peer districts' average in any category, using 2023-24 data.
    a. Payroll as a percentage of all funds
    b. Average teacher salary
    c. Average administrative salary
    d. Superintendent salary

11. Reported on the General Fund operating fund balance, excluding debt service and capital outlay, for the past five years and per student for the District and its peer districts, using 2019-20 through 2023-24 data. Analyzed unassigned fund balance per student and as a percentage of three-month operating expenditures and explained any significant variances.

12. Reported the District's allocation of staff, and student-to-teacher and student-to-total staff ratios for the District, its peer districts, and the state average for the 2023-24 school year. The following staff categories were used:
    a. Teaching
    b. Support
    c. Administrative
    d. Paraprofessional
    e. Auxiliary
    f. Students per total staff
    g. Students per teaching staff

13. Reported on the District's teacher turnover rate, as well as its peer districts and the state's average for the 2023-24 school year.

14. Reported on the following programs offered by the District, including the number of students served, percentage of enrolled students served, program budget, program budget as a percentage of the District's budget, total staff for the program, and student-to-staff ratio for the program, using data from the 2023-24 school years.
    a. Special Education
    b. Bilingual Education
    c. Migrant Programs
    d. Gifted and Talented Programs
    e. Career and Technical Education
    f. Athletics and Extracurricular Activities
    g. Alternative Education Program/Disciplinary Alternative Education Program
    h. Juvenile Justice Alternative Education Program

15. Described how the District maximizes available resources from state sources and regional education service centers to develop or implement programs or deliver services.

16. Report on the District's annual external audit report's independent auditor's opinion as required by *Government Auditing Standards*.

17. Explained the basis of the TEA assigning the District a financial-related monitoring/oversight role during the past three years, if applicable.

18. In regards to the District's budget process, provided a response to each of the following questions:
    a. Does the District's budget planning process include projections for enrollment and staffing?
    b. Does the District's budget process include monthly and quarterly reviews to determine the status of annual spending?
    c. Does the District use cost allocation procedures to determine campus budgets and cost centers?
    d. Does the District analyze educational costs and student needs to determine campus budgets?

19. Provided a description of the District's self-funded program, if any, and analyzed whether program revenues are sufficient to cover program costs.

20. Reported whether the District administrators are evaluated annually and, if so, explained how the results inform District operations.

21. In regards to the District's compensation system, provided a response to the following questions:
    a. Does the District use salary bonuses or merit pay systems? If yes, explain the performance-based systems and the factors used.
    b. Do the District's salary ranges include minimum, midpoint, and maximum increments to promote compensation equity based on the employee's education, experience, and other relevant factors?
    c. Does the District periodically adjust its compensation structure using verifiable salary survey information, benchmarking, and comparable salary data?
    d. Has the District made any internal equity and/or market adjustments to salaries within the past two years?

22. In regards to planning, provided a response for each of the following questions:
    a. Does the District develop a District Improvement Plan (DIP) annually?
    b. Do all campuses in the District develop a Campus Improvement Plan (CIP) annually?
    c. Does the District have an active and current facilities master plan? If yes, does the District consider these factors to inform the plan:
        i. Does the District use enrollment projections?
        ii. Does the District analyze facility capacity?
        iii. Does the District evaluate facility condition?
    d. Does the District have an active and current energy management plan?
    e. Does the District maintain a clearly defined staffing formula for staff in maintenance, custodial, food service, and transportation?

23. In regards to District academic information, provided a response for each of the following questions:
    a. Does the District have a teacher mentoring program?
    b. Are decisions to adopt new programs or discontinue existing programs made based on quantifiable data and research?
    c. When adopting new programs, does the District define expected results?
    d. Does the District analyze student test results at the district and/or campus level to design, implement and/or monitor the use of curriculum and instructional programs?
    e. Does the District modify programs, plan staff development opportunities, or evaluate staff based on analyses of student test results?

1. Peer Districts

The Texas Education Agency's (TEA) Snapshot Peer Search identified a total of 66 peer districts based on size (10,000 – 24,999). The search was further refined based on district property wealth, tax rate, and geographic proximity. The District selected 10 of the peer districts which are shown below.

Figure 1
Peer Districts

CDN	District Name
221901	Abilene ISD
014903	Belton ISD
170908	New Caney ISD
015912	Southwest ISD
011901	Bastrop ISD
191901	Canyon ISD
199901	Rockwall ISD
212905	Tyler ISD
161914	Waco ISD
226903	San Angelo ISD
243905	Wichita Falls ISD

2. Accountability Rating

The Texas Education Agency (TEA) annually assigns an A-to-F rating and a corresponding scaled score (1 to 100) to each district and campus based on student assessment results and other accountability measures. In accordance with Senate Bill 1365, school districts and campuses received a rating of A, B, C, or D or were assigned a rating of Not Rated. A campus may receive a designation of Not Rated if the number of students enrolled is insufficient to accurately evaluate the campus performance.

The District received an accountability rating (C) along with 5 of their 10 peer districts. The peer district average score was 75.

Figure 2
Accountability Rating Comparison
2022-2023

	District Rating (A-F)	District Rating (1-100)	Peer District Average Score (1-100)
Rating/Score	C	72	75

The results for the District's 26 campuses that were assigned a rating are shown below:

Figure 3
Accountability Rating by Campus Level
2022-2023

Rating	Elementary Schools	Middle Schools	High Schools	Elementary/ Secondary School
A	1	-	1	-
B	1	1	1	-
C	8	1	2	-
D	3	2	-	-
F	1	-	-	-
Not rated	-	-	-	4

There was one campus (Ortiz Elementary) with an F accountability rating. There were no campuses that were required to implement a campus turnaround plan.

3. Financial Rating

The State of Texas' school financial accountability rating system, known as the School Financial Integrity Rating System of Texas (FIRST), ensures that Texas public schools are held accountable for the quality of their financial management practices and that they improve those practices. The system is designed to encourage Texas public schools to better manage their financial resources to provide the maximum allocation possible for direct instructional purposes.

The School Financial Integrity Rating System of Texas (FIRST) holds school districts accountable for the quality of their financial management practices. The rating is based on five critical indicators as well as minimum number of points for an additional ten indicators. Beginning with 2015-16 Rating (based on the 2014-15 financial data), the Texas Education Agency moved from a "Pass/Fail" system and began assigning a letter rating. The ratings and corresponding points are shown below:

Rating	Points
A = Superior	90-100
B = Above Standard	80-89
C = Meet Standards	60-79
D = Substandard Achievement	Less than 60

The District has earned a preliminary Superior rating of A from the FIRST for the 2023-24 school year. The District has also received a Superior rating in the previous four school years.

Figure 4
School FIRST Rating
2023-2024

	District Rating (A - F)
Rating	A

4. Student Characteristics

Every student is served differently in public schools based on their unique characteristics. Such data is captured by the Texas Education Agency on an annual basis. Figure 5 provides student counts for five select student characteristics, which are described below:

- Economically Disadvantaged — This term, while not explicitly defined in statute, can be used interchangeably with educationally disadvantaged, according to the Texas Education Agency (TEA). Educationally disadvantaged is defined by the Texas Education Code (TEC) §5.001(4) as a student who is "eligible to participate in the national free or reduced-price lunch program".

- English Learners — TEC §29.052 refers to Emergent Bilingual students as those who are in the process of acquiring English and have a primary language other than English are Limited English Proficient (LEP). TEA guidance states that the term English Learners can be used interchangeably with Emergent Bilingual.

- Special Education — Federal and state law both offer definitions of special education students. Federal regulations define a "child with a disability" under 34 CFR, §300.8(a). State statute defines special education eligibility under TEC §29.003 or the Texas Administrative Code §89.1040.

- Bilingual/ESL Education — The Texas Education Code §29.055 describes students enrolled in a bilingual education program as those students in a "full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of the English language skills." Students enrolled in an English as a Second Language (ESL) program receive "intensive instruction in English from teachers trained in recognizing and dealing with language differences."

- Career and Technical Education — Students enrolled in State-approved Career and Technology Education (CTE) programs. Specific eligibility criteria for CTE are included in section 5 of the Student Attendance Accounting Handbook.

The District classified 72.1 percent of its total student population count as economically disadvantaged. The District's peer district average shows that 63.1 percent of students were characterized as economically disadvantaged. Both the District's and its peer districts' economically disadvantaged student population are more than the state average of 62.2 percent.

English Learner students at the District equal 7.3 percent of the student population, which is less than both the peer district average and the state average percentages.

Special Education students at the District equal 18.5 percent of the student population, which is more than the peer district average of 15.5 percent and more than the state average of 14 percent.

Bilingual/ESL Education students at the District equal 7.3 percent of the student population, which is less than both the peer district average and the state average percentages.

Career and Technical Education students in the District equal 20.9 percent of the student population, which is less than both the peer district average and the state average percentages.

Figure 5
Selected Student Characteristics
2023-2024

	Total Student Population Count	Percentage of Student Population	Peer Districts Average Percentage	State Average Percentage
Total Students	14,652	100.0%	N/A	N/A
Economically Disadvantaged	10,566	72.1%	63.1%	62.2%
English Learners	1,069	7.3%	19.0%	24.3%
Special Education	2,703	18.5%	15.5%	14.0%
Bilingual/ESL Education	1,070	7.3%	19.1%	24.4%
Career and Technical Education	3,056	20.9%	25.0%	26.9%

Source: Texas Education Agency, 2023-2024 Texas Academic Performance Report

The District had an attendance rate of 92.8 percent in the 2023-24 school year. This was below both its peer district average of 93.0 percent and the state average of 93.3 percent.

Figure 6
Attendance Rate
2023-2024

	District Total	Peer Districts Average	State Average
Attendance Rate	92.8%	93.0%	93.3%

Source: Texas Education Agency, 2023-2024 Texas Academic Performance Report

Figure 7 displays the District's enrollment for the last five years. The District's average annual percentage change is a decrease of 3.07 percent. From 2019-2020 to 2023-24, the District's enrollment has decreased by 1,960 students. Based off the 2024-25 enrollment projection, the District is expected to have a continued decrease in enrollment of approximately 0.79%.

Figure 7
5-Year Enrollment
2020-2024

School Year	Enrollment
2023-24	14,652
2022-23	15,253
2021-22	15,426
2020-21	15,680
2019-20	16,612
Average annual percentage change based on the previous five years	-3.07%
2024-25 Projection	14,536

Source: Texas Education Agency, Texas Academic Performance Reports for Each School Year

5. District Revenue

Figure 8 below presents the District revenue for the 2023-24 school year, the peer district average, and the state average. The District receives $12,512 in total revenue per student, which is above its peer district average of $12,155 and below the state average of $13,037. Similar to its peers, the District receives less local net M&O tax revenue per student than the state average of $4,553. The District receives more state revenue than both its peer district average of $5,818 and the state average of $5,545. The District receives more federal revenue per student than both its peer district of $1,793 and state average of $2,138.

Figure 8
District Tax Revenue
2023-2024

	District		Peer District Average		State Average	
	Revenue Per Student	Percentage of Total	Revenue Per Student	Percentage of Total	Revenue Per Student	Percentage of Total
Local M&O Tax (Retained) (1)	$ 2,754	22.0%	$ 3,844	31.6%	$ 4,553	34.9%
State Revenue	6,388	51.1%	5,818	47.9%	5,545	42.5%
Federal Revenue	2,843	22.7%	1,793	14.7%	2,138	16.4%
Other Local and Intermediate Revenue	527	4.2%	700	5.8%	801	6.2%
Total Revenue	**$12,512**	**100.0%**	**$12,155**	**100.0%**	**$13,037**	**100.0%**

(1) Excludes debt service and recapture
Source: Texas Education Agency, 2023-2024 Public Education Information Management System District Financial Actual Reports

District Comment: *The District receives $1,090 and $1,799 less than peer district average and state average, respectively, for local M&O tax due to lower appraised property values and lower tax rates. The property values are set by the local appraisal district and are the driving force behind these revenues. The District receives $570 and $843 more than peer district average and state average, respectively, for state revenue, due to a higher state funding share that compensates for local tax contributions. The District receives $1,050 and $705 more than peer district average and state average, respectively, for federal revenue, due to larger SHARS and Impact Aid program funding. Also, due to its higher proportion of economically disadvantaged students, the District receives a large number of federal grants.*

6. District Expenditures

The District spends $12,144 in total operating expenditures per student, which is more than the peer district average of $12,071 and less than the state average of $12,944. The District's largest expenditures per student are in Instruction, Plant Maintenance & Operations, and Food Service Operation. The District's expenditures, Peer District and State averages are presented in the table on the following page.

Figure 9
District Actual Operating Expenditures
2023-2024

	District		Peer District Average		State Average	
	Expenditures Per Student	Percentage of Total	Expenditures Per Student	Percentage of Total	Expenditures Per Student	Percentage of Total
Instruction	$ 6,270	51.6%	$ 6,588	54.6%	$ 7,101	54.9%
Instructional Resources and Media	139	1.1%	130	1.1%	119	0.9%
Curriculum and Staff Development	265	2.2%	328	2.7%	320	2.5%
Instructional Leadership	244	2.0%	210	1.7%	236	1.8%
School Leadership	698	5.7%	645	5.3%	741	5.7%
Guidance Counseling Services	503	4.1%	505	4.2%	525	4.1%
Social Work Services	210	1.7%	58	0.5%	45	0.3%
Health Services	169	1.4%	134	1.1%	132	1.0%
Transportation	393	3.2%	398	3.3%	395	3.1%
Food Service Operations	745	6.1%	657	5.4%	683	5.3%
Extracurricular	384	3.2%	467	3.9%	400	3.1%
General Administration	454	3.7%	345	2.9%	427	3.3%
Plant Maintenance and Operations	1,146	9.5%	1,131	9.4%	1,303	10.1%
Security and Monitoring Services	100	0.8%	220	1.8%	209	1.6%
Data Processing Services	338	2.9%	218	1.8%	241	1.9%
Community Services	86	0.8%	37	0.3%	67	0.4%
Total Expenditures	**$ 12,144**	**100.0%**	**$ 12,071**	**100.0%**	**$ 12,944**	**100.0%**

Source: Texas Education Agency, 2023-2024 Public Education Information Management System District Financial Actual Reports

7. District Payroll Expenditures Summary

Figure 10 presents the payroll expenditure summary for the District, the peer district average, and the state average.

The average base teacher salary at the District is less than its peer district average and the state average. The average administrative base salary is less than its peer district average and the state average. The superintendent salary at the District is higher than its peer district average and the state average.

Figure 10
Payroll Expenditure Summary
2023-2024

	District Total	Peer Districts Average	State Average
Payroll as a Percentage of All Funds	80.4%	78.7%	77.8%
Average Teacher Salary	$ 56,384	$ 60,028	$ 62,463
Average Administrative Salary	$ 87,426	$ 92,103	$ 94,609
Superintendent Salary	$ 300,000	$ 280,566	$ 171,022

Source: Texas Education Agency, 2023-2024 Public Education Information Management System
District Financial Actual Reports

The superintendent salary at the District is higher than both the peer district average and the state average. It is important to note that the state average includes school districts across the state with enrollments ranging from less than 100 to almost 200,000. The District's superintendent salary is greater than peer.

> ***District Comment:*** *The District Superintendent salary was determined based on a comparison to peer district salaries at the date of hire. At the time, the Superintendent had 15 years of experience as a District superintendent, well above the average tenure for that position, which resulted in a higher salary than peer group.*

8. Fund Balance

Figure 11 presents the general fund unassigned fund balance per student and as a percentage of the 3-month operating expenditure reserve for the District and the peer district average.

The General Fund is the operating fund in a governmental entity. Fund balance represents the current resources/assets available to the government less any current obligations/liabilities. Within fund balance there are five categories: non-spendable, restricted, committed, assigned and unassigned. The categories are defined by Governmental Accounting Standards Board (GASB) Statement No. 54: Fund Balance Reporting and Governmental Fund Type Definitions:

- Non-spendable fund balance includes funds that cannot be spent because they are not in spendable form, or legally required by contract for a specific future use.
- Restricted fund balance includes amounts that can only be spent for specific purposes stipulated by enabling legislation, creditors, grantors, contributors, or other governmental laws and regulations.
- Committed fund balance includes amounts that can be used only for the specific purposes determined by constraints imposed by the district's Board of Trustees.
- Assigned fund balance is fund balance that is intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed.
- Unassigned fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications above.

The Texas Education Agency evaluates unassigned fund balance by comparing it to three-months (25%) of annual operating expenditures or 75 days of operational expenditures. If the District does not meet goal of three-months, the percentage is shown as less than 100%. Amounts that exceed three months are reflected as percentage greater than 100%.

The District's unassigned fund balance for the 2023-24 school year totaled $41.8 million compared to its three-month operating expenditures of $45.1 million.

Figure 11
General Fund Balance
2020-2024

	District		Peer District Average	
	General Fund Unassigned Fund Balance Per Student	General Fund Unassigned Fund Balance as a Percentage of 3-Month Operating Expenditures	General Fund Unassigned Fund Balance Per Student	General Fund Unassigned Fund Balance as a Percentage of 3-Month Operating Expenditures
2023-24	$ 2,889	92.6%	$ 3,273	96.1%
2022-23	2,445	80.9%	3,083	100.4%
2021-22	3,024	104.6%	3,039	100.3%
2020-21	2,688	95.5%	2,731	89.3%
2019-20	1,718	61.5%	2,687	93.2%

Source: Texas Education Agency, Public Education Information Management System
District Financial Actual Reports

The District's 2023-24 general fund balance per student of $2,889 is less than the peer district average of $3,273. Additionally, the District's unassigned fund balance is less than the 3-month operating reserve and represents 92.6% of 3-months operating expenses of the District compared to the peer district average of 96.1%. The District's fund balance is less than that of its peer districts.

District Comment: *The District's fund balances are lower than those of its peer Districts due to recent, significant expenditures for capital projects.*

9. District Staffing Levels

Figure 12 presents the staff ratios for the District, peer district average, and state average. The District's teaching staffing ratio of 41.8 percent is less than both the peer district staffing ratio of 48.9 and the state average of 48.3%.

The District had less students per total staff than both the peer districts average and the state average. The students per teaching staff at the District is more than both the peer district average and the state average.

Figure 12
Staff Ratio Comparisons
2023-2024

	District	Peer Districts Average	State Average
Teaching Staff (Percentage of Total Staff)	41.8%	48.9%	48.3%
Support Staff (Percentage of Total Staff)	11.1%	11.4%	11.1%
Administrative Staff (Percentage of Total Staff)	4.1%	4.5%	4.5%
Paraprofessional Staff (Percentage of Total Staff)	15.4%	12.0%	11.4%
Auxilliary Staff (Percentage of Total Staff)	27.6%	23.2%	24.7%
Students per Total Staff	6.3	7.3	7.1
Students per Teaching Staff	15.1	14.9	14.8

Source: Texas Education Agency, 2023-2024 Public Education Information Management System District Financial Actual Reports

District Comment: *The District's teaching staff as a percentage of total staff was lower than peer and state averages due to the higher student to teacher ratios, and the lack of a staffing matrix (added in current year). The lack of a staffing matrix also led to a higher paraprofessional staff to total staff ratio as compared with peer and state averages. Students per total staff was lower than peer and state averages, due to overstaffing – enrollment decline was not matched by a decrease in staffing. This is being corrected via the staffing matrix.*

10. Teacher Turnover Rates

Figure 13 presents the teacher turnover rates for the District, peer district average, and state average. The District has a teacher turnover rate of 20.2 percent, which is less than the peer district average of 20.4 percent and higher than the state average of 19.1 percent.

Figure 13
Teacher Turnover Rates
2023-2024

	District	Peer Districts Average	State Average
Teacher turnover rate	20.2%	20.4%	19.1%

Source: Texas Education Agency, 2023-2024 Public Education Information Management System District Financial Actual Reports

The District's teacher turnover rates are comparable to peer and state averages.

11. Special Programs

Figure 14 presents performance and operational measures of selected programs of the District.

Figure 14
Special Program Characteristics
2023-2024

	Number of Students Enrolled	Percentage of Enrolled Students Served	Program Budget per Student Enrolled	Program Budget as a Percentage of District Budget	Total Staff for Program	Students Per Total Staff for Program
Special Education	2,703	18.4%	$ 18,787,175	10.6%	114.0	23.7
Bilingual Education	1,070	7.3%	410,456	0.2%	5.1	209.8
Migrant Programs	1	0.0%	0	0.0%	-	-
Gifted and Talented Programs	1,337	9.1%	180,656	0.1%	2.0	668.5
Career and Technical Education	3,056	20.9%	5,912,825	3.3%	52.7	58.0
Athletics and Extracurricular Activities	3,500	23.9%	4,797,860	2.7%	123.0	28.5
Alternative Education Program/Disciplinary Alternative Education Program	786	5.4%	1,511,647	0.9%	42.0	18.7
Juvenile Justice Alternative Education Program	38	0.3%	203,240.0	0.1%	3.0	12.7

Source: Texas Education Agency, 2023-2024 Public Education Information Management System
District Financial Actual Reports and Information Provided by the District

1. State and Regional Resources

The District maximizes available resources from state sources and regional education service centers to develop or implement programs or deliver services. The District reviews state resources to evaluate if they can be used to develop or implement programs or deliver services. The District also collaborates with the regional education service centers to evaluate if they can provide assistance to develop or implement programs or deliver services.

2. Reporting

The District's financial statements have been independently audited by Eide Bailly, LLP. The goal of the independent audit was to provide reasonable assurance that the financial statements of the District for the fiscal year ended August 31, 2024, are free of material misstatement. The independent auditor concluded, based upon the audit, that there was a reasonable basis for rendering an unmodified opinion that the District's financial statements for the fiscal year ended August 31, 2024, were fairly presented in conformity with GAAP.

3. Oversight

The Texas Education Agency has not assigned the District a financial-related monitoring/oversight role in the last three years.

4. Budget Process

Figure 15
Budget Process

Question	Yes / No / Not Applicable
Does the District's budget planning process include projections for enrollment and staffing?	Yes
Does the District's budget process include monthly and quarterly reviews to determine the status of annual spending?	Yes
Does the District use cost allocation procedures to determine campus budgets and cost centers?	Yes
Does the District analyze educational costs and student needs to determine campus budgets?	Yes

The District's budget planning process includes projections for enrollment and staffing. Each year, the District uses a demographic needs assessment. The needs assessment includes the projections on student enrollment, numbers of teachers needed, student-to-teacher ratios, special education teachers needed, and average class size.

The District's budget process includes monthly reviews to determine the status of annual spending. Financial reports are prepared monthly and are presented on a monthly basis to compare budgeted amounts versus actual amounts to determine the status of annual spending.

The District uses cost allocation procedures to determine campus budget and cost centers. Currently, the District uses the following cost allocations of $119 per student for elementary schools, $138 per student for middle schools, and $199 per student for high schools. The budgets for cost centers are based on a set amount.

The District analyzes educational costs and student needs to determine campus budgets. Actual student enrollment is analyzed and compared to the projected student enrollment. Additional funds are allocated to the campus if the actual student average daily attendance on snapshot date exceeds the projected student average daily attendance used in building the budget.

5. Self-Funded Programs

The District's worker's compensation program is accounted for and reported as the District's internal service fund. The revenues for the self-funded program are sufficient to cover the cost of operations.

6. Staffing

All campus level administrators are evaluated annually using the Texas Evaluation Principal Support System (TPESS). The results of the annual evaluation are used to determine professional development needs for the upcoming school year. The District also performs informal evaluations. All evaluation information is used to determine leadership effectiveness and placement.

7. Compensation System

Figure 16
Compensation System

Question	Yes / No / Not Applicable
Does the District use salary bonuses or merit pay systems? If yes, explain the performance-based systems and the factors used.	Yes
Do the District's salary ranges include minimum, midpoint, and maximum increments to promote compensation equity based on the employee's education, experience, and other relevant factors?	Yes
Does the District periodically adjust its compensation structure using verifiable salary survey information, benchmarking, and comparable salary data?	Yes
Has the District made any internal equity and/or market adjustments to salaries within the past two years?	Yes

While the District does not currently use salary bonuses or a merit pay system, the District uses the Teacher Incentive Allotment (TIA) program, a performance- based system. The TIA helps recruit, retain, and reward effective educators in the classroom. The TIA provides additional funding to eligible teachers who earn local designations through this allotment system. Eligibility is determined by T-TESS evaluation results and student growth on STAAR or MAP tests.

The District's salary range includes minimum, midpoint, and maximum increments to promote compensation equity based on the employee's education, experience, and other relevant factors. The District's compensation plan design and maintenance follows recognized pay principles on district defined jobs and competitive job markets. The concepts are applied to each job group in determining the pay structures by pay grades and ranges.

The District periodically adjusts its compensation structure by working with the Texas Association of School Boards (TASB). TASB assists the District in evaluating the pay structure of 15 market peer school districts to establish an appropriate compensation plan. The District made market adjustments to salaries in the 2024-25 school year.

8. Planning

Figure 17
Operational Information

Question	Yes / No / Not Applicable
Does the District develop a District Improvement Plan (DIP) annually?	Yes
Do all campuses in the District develop a Campus Improvement Plan (CIP) annually?	Yes
Does the District have an active and current facilities master plan? If yes, does the District consider these factors to inform the plan:	Yes
Does the District use enrollment projections?	Yes
Does the District anaylze facility capacity?	Yes
Does the District evaluate facility condition?	Yes
Does the District have an active and current energy management plan?	Yes
Does the District maintain a clearly defined staffing formula for staff in maintenance, custodial, food service, and transportation?	Yes

The District develops, evaluates, and revises a District Improvement Plan (DIP) annually in accordance with district policy by using data from a comprehensive needs assessment. During the development of the DIP, the District identifies five educational goals: 1) excel in academics and ensure equal access; 2) communicate and connect with all stakeholders; 3) innovate through technology; 4) secure a safe learning environment; and 5) develop and retain qualified staff. Each goal states performance objectives which include strategies. The purpose of the DIP is to guide district and campus staff in the improvement of student performance for all student groups to attain state standards in respect to the achievement indicators. The District's Board of Trustees annually approves the district and campus performance objectives.

Every campus in the district develops a Campus Improvement Plan (CIP) annually. The school campus improvement plan is a comprehensive strategy designed to ensure that the learning environment is safe, conducive to learning, and aligned with the District's educational goals. Each year, the campus principal, with the assistance of the campus-level committee, and other stakeholders develop, review, and revise the CIP. The CIP aims to improve student performance for all student populations, including students in special education programs, with respect to the academic excellence indicators and any other appropriate performance measures for special needs populations. The District's Board of Trustees annually approves the district and campus performance objectives.

The District does have an active and current facilities master plan that considers enrollment projections, analyzes facility capacity, and evaluates facility condition. Decreasing enrollment in low population growth areas has contributed to the recent closure of 2 elementary schools.

The District does have an active and current energy management plan. Part of this plan allows the District to program the mechanical HVAC and lighting systems for use during operational hours. The District does have a clearly defined staffing formula for staff in maintenance, food service, and transportation. The District reviews the numbers of students and square footage of each facility to determine the needs for staffing. For transportation, the District evaluates the number of bus drivers and monitors needed to cover the district.

9. Programs

Figure 18
Academic Information

Question	Yes / No / Not Applicable
Does the District have a teacher mentoring system?	Yes
Are decisions to adopt new programs or discontinue existing programs made based on quantifiable data and research?	Yes
When adopting new programs, does the District define expected results?	Yes
Does the District analyze student test results at the District and/or campus level to design, implement and/or monitor the use of curriculum and instructional programs?	Yes
Does the District modify programs, plan staff development opportunities, or evaluate staff based on analyses of student test results?	Yes

The District has a teacher mentoring program that provides both campus and district level support for new teachers. At the campus level, principals assign veteran master teachers as campus mentors for the new teachers on their respective campuses. Principals base their mentor teacher selection on teacher experience, classroom effectiveness, overall responsive demeanor, and proven leadership. The mentor is usually a teacher who is in the same grade level and/or teaches the same subject area as the new teacher. If possible, mentor teacher and new teacher mentee schedules are aligned for easier access, dialogue, class observations, lesson planning, content development, and general pedagogical guidance. The campus mentors are provided with a stipend for their services.

Intentional professional learning is provided for all staff in the District for professional and non-instructional staff. All staff new to the District attend professional learning before all staff return to work with the official calendar beginning each school year. Intentional professional learning for every employee is part of the district's belief in a growth mindset. New teachers are given the opportunity to visit classrooms and observe experienced master teachers in action. This hands-on experience allows new educators to see effective teaching practices firsthand and engage in meaningful discussions with veteran teachers. During these visits, new teachers can ask questions about specific subject areas, see best practices modeled with students, and address any concerns they may have about their teaching approach or classroom management strategies. After the observations, the power of learning comes from debriefing the learning in collaborative conversation with their peers. The District operates in Professional Learning Communities and this structure provides a greater network for teachers district-wide.

Additionally, all K-2 new to the profession or not previously trained in Reading Academies are trained in the Science of Reading.

When adopting a new program or resource, the District uses a justification form procedure that includes very specific requirements and criteria. The District modifies programs as needed considering district data pertinent to student outcomes.

Abilene Independent School District Board Document - Agenda Item VIII.A

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Action Item Future Action Required: No If Yes, Month: N/A

Subject: Sewer line repair at Alcorta Elementary

Background Information**:** An assessment of the sewer line at Alcorta has revealed a need to replace approximately 400 feet of failing pipe. The Abilene ISD plumbing department has been working to keep this line operational for nearly 12 months with the most significant failure coming right at the start of school. The estimate for this project came from Batjer and Associates, and is currently at $89K. We do not have another plumbing contractor at this time as an approved vendor. Please keep in mind this is an estimate prior to work commencing. The new procurement threshold to bid a project of this nature is 100K.

The age of the line is a significant contributing factor in this repair. The emergency nature of this repair is significant due to operational adjustments being made at Alcorta and has been delayed due to the current threshold for board approval being at 50K. The quote for the work was also received on 8/27/25.

Our recommendation for this meeting is to consider delegating authority to the Superintendent and his designee to negotiate, finalize, and execute a contract for the replacement of a sewer line at Alcorta Elementary School in an amount not to exceed the statutory competitive procurement threshold of $100,000.

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Attached Supporting Documents: Map of Project, Memo to the Board

Fiscal Implications: Estimated at $89,000, approval will restrict to the actual cost not to exceed $100,000.

Administrative Recommendation: I move to approve delegating authority to the Superintendent and his designee to negotiate, finalize, and execute a contract for the replacement of a sewer line at Alcorta Elementary School in an amount not to exceed the statutory competitive procurement threshold.

Contact Person: Dr. Joseph Waldron

Google Maps



Imagery ©2025 Airbus, Map data ©2025 Google 20 ft

ABILENE ISD

Alcorta Plumbing Replacement

Dr. Joe Waldron

Map of the Replacement



Your paragraph text

Recommendation

Recommend approval of the project not to exceed procurement threshold and authorize the superintendent or designee to execute a contract for the work.



ABILENE ISD

ABILENE ISD

Alcorta Plumbing Replacement

Dr. Joe Waldron

Abilene Independent School District Board Document - Agenda Item VIII.B

Meeting Date: September 8, 2025 Meeting Type: Regular

Item Type: Action Item Future Action Required: No If Yes, Month: N/A

Subject: CV (LOCAL)

Background Information**:** This item is an update relating to one item in the LOCAL policy relating to the threshold for notification to the board for approval of a construction project over $50,000. This threshold, when designated in 2024 by the board, established a correlation between board approval of a construction project with the competitive bidding threshold which at the time was at $50,000.

As of September 1, 2025, this threshold moved to $100,000 based on new law from the 89th legislative session.

The recommendation of the administration is to change the threshold for board approval of a construction project to match the competitive bid threshold, as we did in 2024.

Attached Supporting Documents: CV (LOCAL) DRAFT

Fiscal Implications: None

Administrative Recommendation: Approve CV (LOCAL) as presented.

Contact Person: Dr. Joseph Waldron

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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

The Board delegates to the Superintendent its authority to determine, prior to advertising, the project delivery/contract award method to be used for each construction contract. The Superintendent shall determine 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 ~~$100,000~~$50,000, the Superintendent shall 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

The Superintendent or designee shall be authorized to approve changes orders permitted by law.

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 accepted by the Superintendent.

ABILENE ISD

CV (LOCAL) Update

Dr. Joe Waldron

Current - CV (LOCAL)

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

The Board delegates to the Superintendent its authority to determine, prior to advertising, the project delivery/contract award method to be used for each construction contract. The Superintendent shall determine 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 $50,000, the Superintendent shall 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).

Your paragraph text

CV (LOCAL) DRAFT

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

The Board delegates to the Superintendent its authority to determine, prior to advertising, the project delivery/contract award method to be used for each construction contract. The Superintendent shall determine 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 ~~$100,000~~$50,000, the Superintendent shall 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)]

Your paragraph text

Recommendation

Approve CV (LOCAL) draft as presented



ABILENE ISD

ABILENE ISD

CV (LOCAL) Update

Dr. Joe Waldron