Agenda of Regular Meeting

The Board of Trustees
San Elizario ISD

A Regular Meeting of the Board of Trustees of San Elizario ISD will be held in person on January 18, 2023, beginning at 5:30 PM SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849.

Although one or more board members may participate by videoconference call, a quorum of the Board of Trustees will be physically present at this location for purposes of this meeting and in conformance with the Texas Open Meetings Act. All persons in physical attendance must comply with current state and local public health orders, including those regarding face masks/coverings, maintain at least 3 feet of social distance from one another, and remain in compliance with any other state and local public health orders issued in connection with the Covid-19 Pandemic. One or more of the vendors being considered at this meeting may appear through video conference call / Microsoft Teams / Zoom. Any such presentation will be visible and audible to anyone attending the open meeting.

Members of the public who desire to address the board regarding an item on this agenda must comply with the following registration procedures: Public comments may be submitted to acardonajr@seisd.net at any time prior to the board meeting time.

Public comment shall occur at the beginning of the meeting and shall follow all other requirements and limitations under SEISD Board Policy BED (Local).

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 order shown on this meeting notice. All items on the consent agenda shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration.

1. **GENERAL FUNCTIONS**
   Mrs. Sandra Licon, Board President
   A. Call Meeting to Order
   B. Roll Call
   C. Pledge of Allegiance
   D. **San Elizario ISD Mission Statement**
      San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.
      Mrs. Sandra Licon, Board President
2. **OPEN FORUM** (five minute limit) **6**
3. **DISTRICT RECOGNITIONS**
   A. San Elizario High School Boys State 4A Cross Country 3rd Place Champions
      Ms. Christine Jaksch, Athletic Director
   B. School Board Appreciation Month

1. Proclamation from the El Paso County Judge Samaniego and Commissioners 7
   Dr. Jeannie Meza-Chavez, Superintendent

C. Teacher and Employee of the Month for Alarcon Elementary School
   Ms. Leticia De Santos, Principal, Alarcon Elementary School

D. District Employees of the Year, District Elementary Teachers of the Year, and District Secondary Teachers of the Year
   Mrs. Blanca Cruz, Human Resources Director

E. Texas School Safety Center Intruder Detection Audit
   Mr. Jesus Martinez, Support Services Director
   1. Officer Adriana Rojas, Campus Security - Borrego Elementary
   2. Officer Ignacio Servin, Campus Security - Loya Primary

F. School Resource Officer Deputy Eduardo Placencia - Service to SEISD Board of Trustees

G. Introduction of San Elizario High School Assistant Principal - Ms. Melissa Nunn
   Mrs. April Marioni, Principal, San Elizario High School

H. Introduction of SEISD Child Nutrition Director - Ms. Agueda Reyes
   Dr. Jeannie Meza-Chavez, Superintendent

4. **NEW BUSINESS / BOARD ACTION ITEMS**

A. Student Outcome Goals
   1. Alarcon Elementary School - Monitoring Student Progress 8
      Ms. Leticia De Santos, Principal, Alarcon Elementary School

B. 2023-2024 4-Day District Calendar 25
   Dr. Jeannie Meza-Chavez, Superintendent, Dr. Rogelio Segovia, Associate Superintendent, Mrs. Blanca Cruz, Human Resources Director and Ms. Lisa Renegar, Research and Evaluation Administrator

C. Public comment and input on the Elementary and Secondary School Emergency Relief Fund (ESSER III) 56
   Mr. Edgar Ponce, ESSER Programs Coordinator

5. **CONSENT AGENDA** - Consider and possible Board action on

A. Financial Reports
   Mr. Norberto Rivas, Chief Financial Officer
   1. Tax Report 71
   2. Financial Statements 73
   3. Investment Report 79
   4. Purchase Orders exceeding $25,000.00 91
      - PO# 46856 - Stout Hardwood Floor Co., Inc - $27,812.64
   5. Budget Amendment 93
   6. Annual Report for Cooperative Purchasing Fees 95

B. Consider and possible Board action to approve final payment to PERIKIN Enterprises, LLC., for the Alarcon Elementary drop-off area improvement RFP#22-1104 96
   Mr. Norberto Rivas, Chief Financial Officer

C. Consider and possible Board action on Agreement with The City of El Paso regarding Closed Point of Dispensing Immunizations or Treatment in Public Health Emergency 100
   Mr. Jesus Martinez, Support Services Director

D. Memorandum of Agreement between San Elizario ISD and the Boys & Girls Clubs of El Paso 108

Dr. Rogelio Segovia, Associate Superintendent

E. Innovation Course - Internetworking Technologies II 114
Mrs. Sandra Sanchez, Career & Technical Education Administrator

F. SEHS Computer Maintenance/Lab Course TEKS 121
Mrs. Sandra Sanchez, Career & Technical Education Administrator

G. Consider and possible board action to approve the addition of a 2022-2023 COVID-19 School Health Support Grant Stipend 130
Mrs. Blanca Cruz, Human Resources Director

H. Policy Update 120 (First Reading) 132
Board of Trustees
1. (LEGAL) Policies - Review Only
2. (LOCAL) Policies - adopt, revise or repeal 421

CB(LOCAL): STATE AND FEDERAL REVENUE SOURCES

CKC(LOCAL): SAFETY PROGRAM/RISK MANAGEMENT - EMERGENCY PLANS

FNG(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT AND PARENT COMPLAINTS/GRIEVANCES

FO(LOCAL): STUDENT DISCIPLINE

I. Consider approval of minutes for the following:
Board of Trustees
1. November 9, 2022 - Regular Board Meeting 435
2. November 17, 2022 - Special Board Meeting - Canvassing 447

J. Consider disposal of surplus property declared obsolete and unnecessary by Superintendent or her Designee, to include disposal of broken furniture and technology equipment according to Administrative discretion and by any reasonable means.
1. Support Services Department 449
Mr. Jesus Martinez, Support Services Director
2. Technology Department 454
Mr. Horacio Hernandez, Technology Director

6. **PRESENTATION / REPORTS / INFORMATION**

A. Board Training (Information)
Dr. Jeannie Meza-Chavez, Superintendent
1. TASB Texas Federal Advocacy Conference - February 6, 2023 to February 7, 2023 488
2. TASA/TASB Legislative Conference - February 21, 2022
3. TASB / FWTSBA Spring Workshop - May 25, 2023 5:00 p.m. - 9:00 p.m. 489
4. Texas Education for Homeless Children and Youth
Video Links:
https://youtu.be/th15Gr75S5Q - 2021 - 2022 McKinney-Ventos English
https://youtu.be/5wOV5f1RmFE - 2021 - 2022 McKinney-Ventos Spanish
Mrs. Teresita Parra, Social Worker and Mrs. Sylvia Graves, Social Worker

B. Goal Progress Monitoring (Information)

Ms. Lisa Renegar, Research and Evaluation Administrator

1. GPM 2.2 - Student Reading performance on the I-Station Overall Reading Ability Index in 3rd Grade will increase annually from 2021 to 2022 (baseline) through 2023 - 2024 at the Approaches, Meets, and Master's levels. 490
   Ms. Lisa Renegar, Research and Evaluation Administrator
2. GPM 2.3: Student Reading performance on the TRS Unit Assessments in 8th Grade will increase annually from 2021 to 2022 (baseline) through 2023 - 2024 at the Approaches, Meets, and Master's levels. 492
   Ms. Lisa Renegar, Research and Evaluation Administrator
3. GPM 2.4 - Student Reading performance on the TRS Unit Assessments in High School English I and II will increase annually from 2021 to 2022 (baseline) through 2023 - 2024 at the Approaches, Meets, and Master's levels. 494
   Ms. Lisa Renegar, Research and Evaluation Administrator

C. Child Nutrition Services - Meal Service Update (Information) 496
   Ms. Agueda Reyes, Child Nutrition Services Director

7. **EXECUTIVE SESSION**

   The Board will enter into a closed meeting to discuss personnel matters, to consult with attorney, to discuss real estate matters, to consider recommendations for hiring of personnel or termination of personnel and other personnel matters under Sec. 551.071, 551.072 and 551.074, Texas Gov. Code:

   A. Discussion on Employee / Board / Superintendent Communication
   B. Discussion regarding possible renewal of lease agreement between San Elizario ISD and Organizacion Progresiva of San Elizario
      Mrs. Priscilla de Mata, Legal Counsel
   C. Discussion regarding personnel matter at Loya Primary School
      Dr. Jeannie Meza-Chavez, Superintendent

8. **THE BOARD WILL RETURN TO OPEN SESSION TO TAKE POSSIBLE ACTION ON THE MATTERS DISCUSSED IN EXECUTIVE SESSION**

   A. Consider and possible board action to renew and approve proposed lease agreement between San Elizario ISD and Organizacion Progresiva of San Elizario
      Mrs. Priscilla de Mata, Legal Counsel
   B. Discussion and possible action to accept written resignation by Board Member Ms. Michelle Garcia - Place 1 497
      Board of Trustees
   C. Discussion and possible action to approve process and timeline for appointment for board vacancy, Place 1. 498
      Board of Trustees and Dr. Jeannie Meza-Chavez, Superintendent
   D. Discussion and possible action to order General Trustee Election this May 6, 2023, for Places 4, 5, 6, and 7 (Full four-year terms each) and Place 1 for an unexpired 2-year term. 503
      Mrs. Priscilla de Mata, Legal Counsel

9. **NEXT MEETING DATE:**

   Regular Board Meeting: February 8, 2023 at 5:30 p.m.

10. **ADJOURNMENT**

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., will be held by the School Board at the date, hours, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act, including, but not limited to the following sections and purposes:

Texas Government Code Section:

551-071	Private consultation with the board's attorney.
551-072	Discussing purchases, exchange, leases, or value of real property.
551-073	Discussing negotiated contracts for prospective gifts or donations.
551-074	Discussing personnel or to hear complaints against personnel
551-076	Deliberation regarding security devices
551-082	Considering discipline of a public school child, or complaint or charge against personnel
551-083	Considering the standards, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups.
551-084	Excluding witnesses from a hearing.

Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either:

(a) in the open meeting covered by the Notice upon the reconvening of the public meeting; or
(b) at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

OPEN FORUM PROCEDURES

The following should be read by the Board President at the beginning of open forum, before any speakers take the podium:

At regular meetings, the Board of Trustees will allow Open Forum to hear persons who desire to make comments to the Board. Persons who wish to participate in this portion of the meeting shall sign up with the presiding officer or designee before the meeting begins and shall indicate the topic about which they wish to speak.

1. Pursuant to Policy BED, each participant will be limited to five minutes to make comments to the Board. Non-English speakers that require translation will be allowed an additional five minutes for translation purposes.
2. **Employees or members of the public should follow and exhaust all administrative procedures and remedies prior to presenting complaints about a student matter or district employee to the Board.** Complaints about student discipline, specific student issues or employee matters may be redirected to the appropriate administrative channels.
3. The board does not generally respond directly to comments nor answer questions asked by speakers. Texas law does not allow the Board to discuss or take actions on any issues that has not been posted on the meeting agenda. However, specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board shall not deliberate or decide any matter or issue that is not included on the agenda posted with the public notice of this meeting.

EL PASO COUNTY
STATE OF TEXAS

RESOLUTION

***WHEREAS**, the mission of the public schools is to meet the diverse educational needs of all children and to empower them to become competent, productive contributors to a democratic society and an ever-changing world; and,*

***WHEREAS**, local school board members are committed to children and believe that all children can be successful learners and that the best education is tailored to the individual needs of the child; and,*

***WHEREAS**, local school board members work closely with parents, educational professionals, and other community members to create the educational vision we want for our students; and,*

***WHEREAS**, local school board members are responsible for ensuring the structure that provides a solid foundation for our school system; and,*

***WHEREAS**, our local school board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and the public's expectations to the district. I urge all citizens to join me in recognizing the dedication and hard work of local school board members and in working with them to mold an education system that meets the needs of both todays and tomorrow's children.*

***NOW, THEREFORE, BE IT RESOLVED**, by the El Paso County Judge and Commissioners Court do hereby declare the month of January 2023 as:*

School Board Recognition Month

***SIGNED**, this 9th day of January 2023*

Commissioner Carlos Leon, Pct. 1

Commissioner David C. Stout, Pct. 2

Commissioner Iliana Holguin, Pct. 3

Commissioner Sergio Coronado, Pct. 4

County Judge Ricardo A. Samaniego

L.G. Alarcon Elementary

2022 - 2023

#IamASanEliChampion

Mission and Vision Statement

Mission Statement:

Our students at Alarcón Elementary School will excel in both academic and social areas in order to seek higher educational opportunities to become self-sufficient and productive citizens.

Vision Statement:

Alarcón Elementary is committed to creating life-long learners.

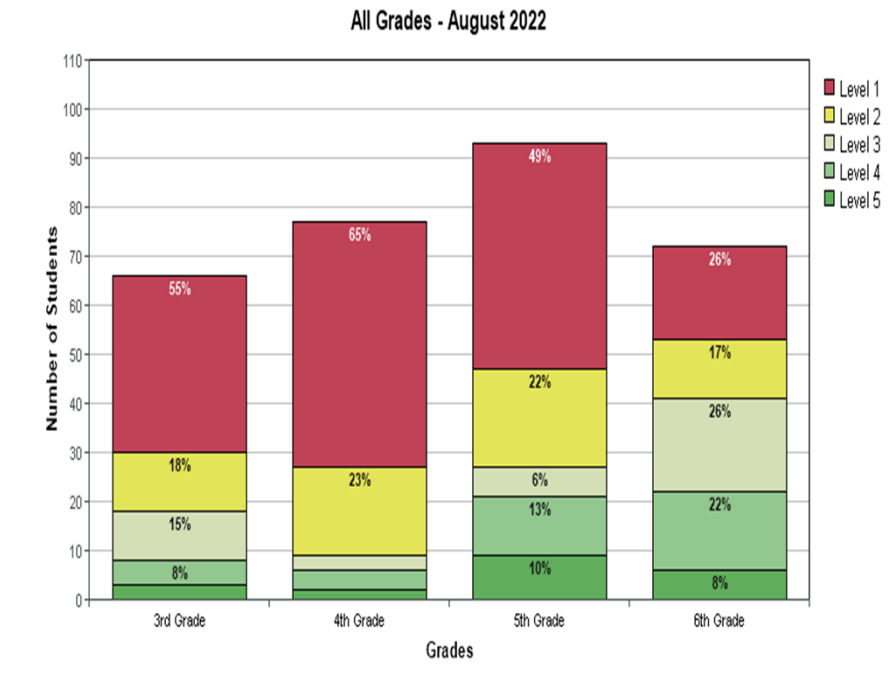
Mathematics Data

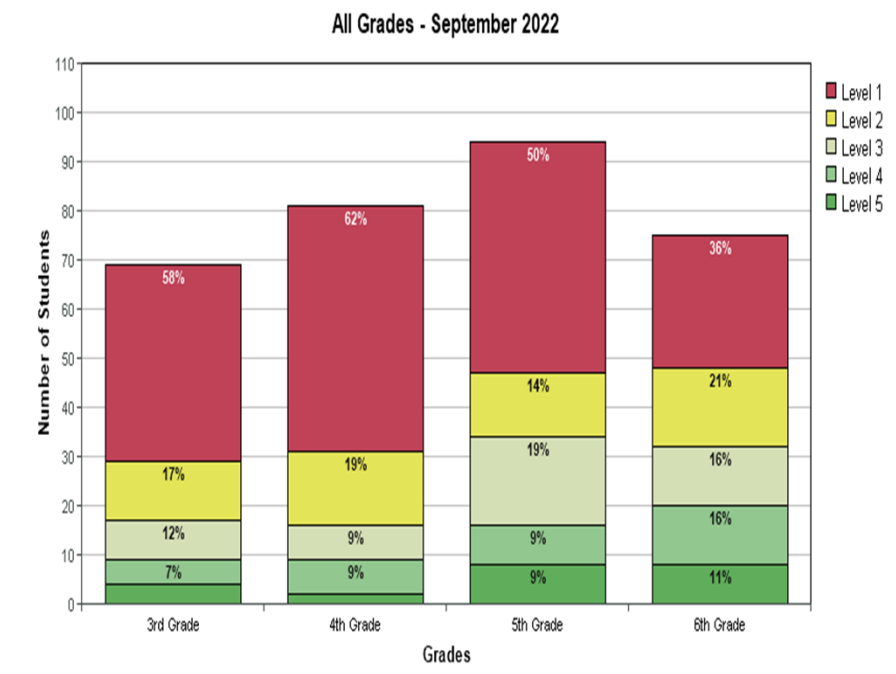
2022 Cumulative Math TRS District Common Assessments				
	Percent	Approaches	Meets	Masters
Grade 3	64.67%	87.07%	29.31%	10.34%
Grade 4	56.65%	65.33%	26.67%	9.33%
Grade 5	59.41%	70.29%	37.71%	18.86%
Grade 6	67.24%	91.36%	66.59%	37.75%

Mathematics Interventions

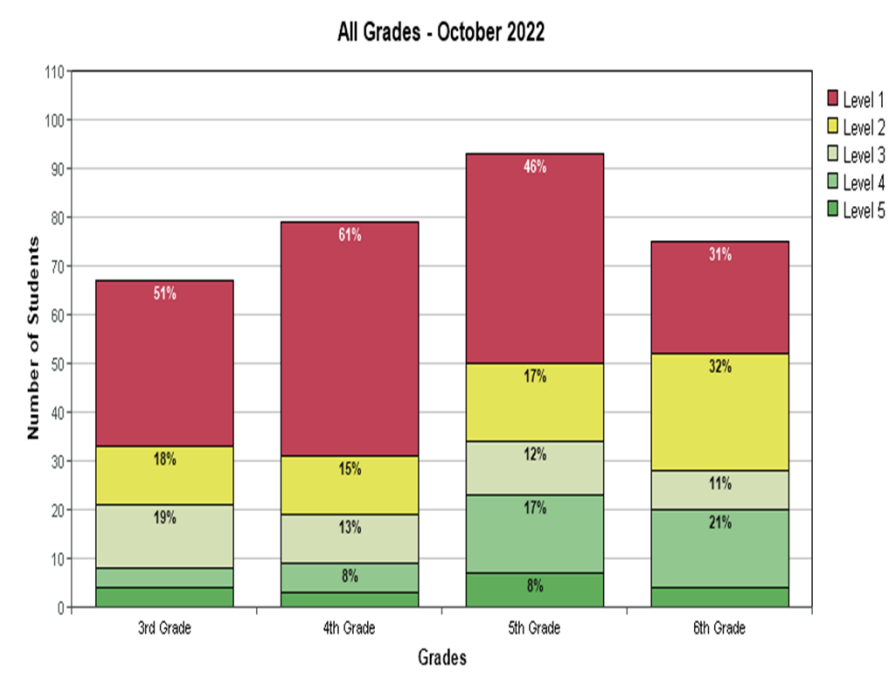
- Daily morning intervention
- Math Interventionist-works with small group of students
- After school intervention 2 times a week
- Saturday Camps
- Intersession Tutoring
- Analyzing of math assessments 3rd-6th grade (unit assessments)
- Data analysis is used for targeted instruction (Data Meetings)
- Small group intervention during math instruction
- Partnering with Lead4Ward (STAAR 2.0)
- IXL
- Math Night-Teachers provided parents with activities to help build basic fact fluency
- Think Along Plan
- Focused planning with the Instructional Specialist during PLC, conference and afterschool
- Use of MAP data to determine focus of intervention

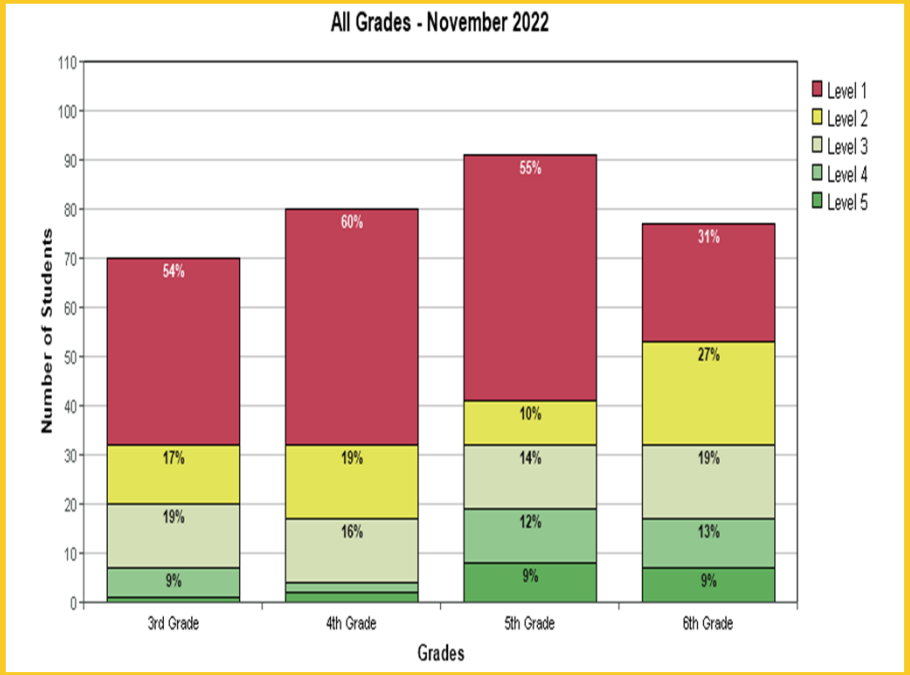
I-Station Data



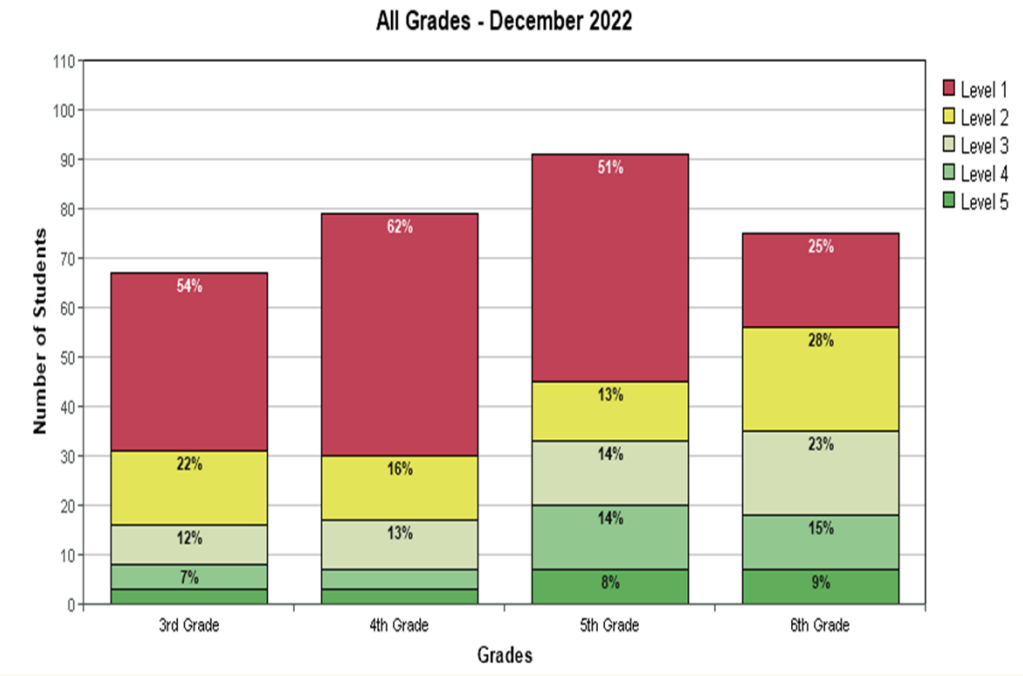


I-Station Data





I-Station Data



Reading Data

2022 Cumulative Reading TRS District Common Assessments				
	Percent	Approaches	Meets	Masters
Grade 3	48.02%	50.1%	12.33%	4.33%
Grade 4	53.91%	54%	14.76%	4.82%
Grade 5	60.81%	63.24%	28.57%	10.99%
Grade 6	59.52%	61.23%	23.84%	5.3%

Reading Interventions

- Daily morning intervention
- At-Risk Teacher is working with students who are below grade level in the area of reading
- Reading Interventionist working with students who are below grade level
- After school intervention-2 times a week
- Saturday School
- Analyzing of reading assessments 3rd - 6th grade
- Data analysis is used for targeted instruction (Data Meetings)
- Small group instruction during reading instruction
- Partnering with Lead4Ward (STAAR 2.0)
- Think Along Plan
- I-Station for 3rd- 6th grade monthly testing for growth
- Focused planning with the Instructional Specialist during PLC, conference and afterschool
- IXL, Learning A-Z
- Guided Reading in 3rd-6th grade
- Literacy Night-Teachers provided parents with activities to help build reading skills
- Use of MAP data to determine focus of intervention

Science Data

2022 Cumulative Science TRS District Common Assessments				
	Percent	Approaches	Meets	Masters
Grade 5	64.66%	66.76%	31.66%	10.74%

Science Interventions

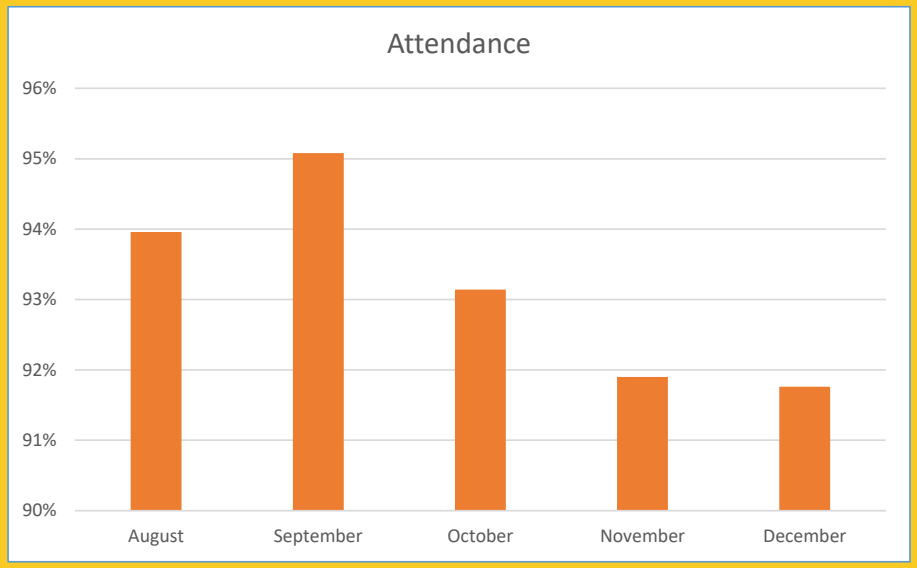
- Morning intervention (5th Grade)
- After school intervention 2 times a week
- Analyzing of Science Data assessments 5th-6th grade (Ms. Cortez)
- Planning with Ms. Cortez on high priority SE's
- Partnering with Lead4Ward (ID priority SE, planning lessons, formative assessments)
- Think Along Plan
- IXL

College, Career & Military Readiness

- College Week- EAGLE PROUD COLLEGE BOUND
- College Presentations to include San Elizario Early College
- Manual College applications
- College Week activities promoting different EPCC College Campuses, Western Tech and UTEP presentations-to include Parent Presentations
- 6th grade- College Presentations
- Mini Apply Texas Completed
- Endorsement Presentation
- Scholarship Applications Completed-Financial Aid information
- Presentation of Admission Letters to 6th grade students by EPCC Personnel
- Career Week Activities-APRIL
- Guest speakers
- Career and Military Presentations

Attendance

Month	Percentage
August	93.96%
September	95.08%
October	93.14%
November	91.9%
December	91.76%



Attendance Interventions

- Attendance Committee reviews attendance by looking at individual students who are chronically absent and ensuring their needs are met using all available resources.
- Attendance clerk reviews student attendance daily and ensures that students are at school daily and on time.
- Phone calls are made to parents who have been absent 3 days or more.
- Assistant Principal meets with parents of children with excessive absences to place on a contract and conferences with students to discuss the importance of attending school every day.
- Students with excessive tardies are conferenced with and parents are notified.
- <u>Incentives:</u>
- Grade levels 3rd-6th grade compete weekly for highest attendance and win a free dress day on Mondays.
- 3rd -6th grade are competing for highest weekly attendance for various incentives (extra time during recess, popcorn, etc)
- Monthly challenges for individual students who have no absences or tardies that include a dance or chalk the block.

Walkthroughs

	Thru December 16, 2022
de Santos, Leticia	191
Robles, Lorena	85
TOTAL	276

Data as of December 16, 2022

Campus Showcase

Thank you!

#IamASanEliChampion

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: Approval of 2023-2024 District 4-day Calendar
Date: January 18, 2023

HISTORY:

The SEISD district calendar is created and approved by the Board of Trustees on an annual basis. This 2023-2024 calendar has been in research and development for 6 months, with extensive research and feedback from a variety of stakeholders, to include parents, students, and staff.

RATIONALE:

In an innovative approach to address the issue of teacher and staff shortages, a 4-day weekly calendar for 2023-2024 is being proposed instead of the typical 5-day calendar. This calendar has most Mondays off, with students and staff in school Tuesdays-Fridays each week. This calendar model will address the issue of teacher and staff shortages and will attract a greater number of qualified applicants to SEISD.

This 2023-2024 calendar is the version voted for by 73% of the employees in the district (Draft B), who had the choice between two 4-day variations. This calendar is fully compliant with the required annual instructional minutes.

To fully realize the benefits from this 4-day calendar model, it is necessary to make at least a 2-year commitment as lasting change takes time and patience.

BUDGET:

There are no budgetary considerations.

ADMINISTRATIVE RECOMMENDATION:

It is recommended that the Board of Trustees approve Draft B of the 2023-2024 SEISD 4-day district calendar, with a commitment to this 4-day calendar model for two school years (2023-2024 and 2024-2025).

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

2023-2024 District Calendar
San Elizario ISD
The District of Choice

Holidays/District Closure

July 4	Independence Day
July 3, 5-7,10, 17	District Closure
Sept. 4	Labor Day
Oct. 3-13	Fall Intersession
Nov. 10	Veteran's Day (Observed)
Nov. 21-24	Thanksgiving Break
Dec. 19-Jan. 1	Winter Holidays
Jan. 15	Martin Luther King, Jr. Day
Mar. 5-8	Spring Intersession
Mar. 12-15	Spring Break
Mar. 29	Good Friday
May 27	Memorial Day

Grading Periods

1st 9-Weeks	July 25--Sept. 29
2nd 9-Weeks	Oct. 17--Dec. 15
3rd 9-Weeks	Jan. 3--Mar. 1
4th 9-Weeks	Mar. 19--May 31

Parent/Teacher Conferences--Fall and Spring

GEMS	Sept. 12 and Feb. 20
SEHS	Sept. 14 and Feb. 22
Alarcon/Borrego	Oct. 24 and Mar. 21
Loya/Sambrano	Oct. 26 and Mar. 26

Smart Snack Exemption Days
Oct. 31, Dec. 15, Feb. 14, Mar. 28, May 31

New Teacher Orientation Training
July 18

Early Release for Students and Staff
Dec. 15, Mar. 28

Graduation Day
May 31

Teacher Professional Development (3 total days)
July 19-20 (full days), Oct. 31(1/2 day), Apr. 5 (1/2 day)

Teacher Guided Lesson Planning (2 total days)
July 21 (full day), Sept. 29 (1/2 day), Feb. 14 (1/2 day)

Teacher Workdays (3 total days)
July 24, Jan. 2, June 3

Inclement Weather Make-up Days (As Needed)
Apr. 8, Apr. 15, Apr. 22, Apr. 29, May 6, May 13, May 20

Teacher Contract Days (155 Days)
Fall Semester: 75 Spring Semester: 80

Student Learning Days (149 Days)
Fall Semester: 71 Spring Semester: 78

Annual Instructional Minutes
Required Total for Grades PPK-12: 75,600
SEISD Instructional Minutes: 76,515

July 2023

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

August 2023

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

September 2023

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	^29	30

October 2023

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	^{31				

November 2023

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

December 2023

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	>15	16
17	18	19	20	21	22	23
24/31	25	26	27	28	29	30

January 2024

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February 2024

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	^14	15	16	17
18	19	*20	*21	*22	*23	24
25	26	*27	*28	*29		

March 2024

S	M	T	W	T	F	S
					*1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	*19	*20	*21	*22	23
24/31	25	*26	*27	*>28	29	30

April 2024

S	M	T	W	T	F	S
	1	2	3	4	^{5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2024

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	~31	1

June 2024

S	M	T	W	T	F	S
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

LEGEND

- Teacher Professional Development
- { Teacher 1/2 Day Prof. Development
- ^ Early Release for Students
- Teacher Guided Planning Full Day
- ◇ Teacher Guided Planning Half-Day
- > Early Release for Students and Staff
- Teacher Workday
- New Teacher Orientation
- Parent/Teacher Conferences
- First or Last Day of 9-weeks
- ~ Graduation Day
- Eagle Mondays/District Closure
- 194-day Employee Workday
- Intersession
- △ Inclement Weather Make-up Day
- Holiday/District Closure
- Smart Snack Exemption Day
- 26 * TELPAS State Testing Window
- STAAR State Testing Window

**Note: State Testing Windows are subject to change as per TEA.*

Approval Date:

Revised: January 2023

2023-2024 DISTRICT CALENDAR

Introducing the 4-day school week for the *District of Choice*

PURPOSE

If approved by the Board of Trustees, the 4-day week in San Elizario ISD will begin with the 2023-2024 school year.

The primary purpose of the 4-day week is the recruitment and retention of highly qualified teachers and staff, in order to become the *District of Choice* in which 100% of our classrooms are led by outstanding, certified teachers.

A secondary purpose, but no less important, is to improve the social/emotional wellness of our students and staff.

HOW WE GOT HERE

PANDEMIC—TEACHER AND STAFF SHORTAGES

ONGOING VACANCIES; CHANGING MINDSETS ON JOB FLEXIBILITY

RENEWED FOCUS ON MENTAL AND PHYSICAL WELLNESS

The 4-day school week has taken off in Texas, with a fourfold increase in one year. It's been an idea whose time has *finally* come.

4-DAY WEEK CALENDAR DEVELOPMENT

PLANNING AND RESEARCH

Articles, research studies, other districts' info., meetings…

CALENDAR DEVELOPMENT

Annual minutes, planning meetings, feedback, initial drafts…

STAKEHOLDER INPUT

DAT, staff, parents, voting, multiple drafts, etc.

IMPLEMENTATION PLANNING

January 2023-July 2023 (about 6 months to finalize details).

LAUNCH

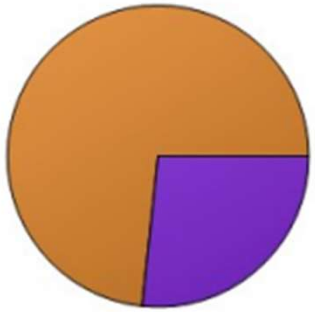
If approved, the 4-day week begins in July 2023.

The 4-day week has been an idea for 2 years, and in *active development* for over 6 months.

EMPLOYEE VOTING

Employees chose between two 4-day calendar drafts. Draft A had no fall intersession and shorter days, while Draft B had the fall intersession off with longer days. Draft B was the 3:1 favorite.

Which draft of the 2023-2024 San Elizario ISD 4-day week calendar is your favorite? ¿Qué borrador del calendario semanal de 4 días de San Elizario ISD 2023-2024 es su favorito?



	Count	Percentage
Draft A	114	26.7%
Draft B	313	73.3%
Total	427	100%

Since the word about the SEISD 4-day calendar has been spreading, many of us have received calls, emails, and interest from far and wide.

Some future retirees are even reconsidering their plans.

The excitement about working in the 4-day *District of Choice* is building!

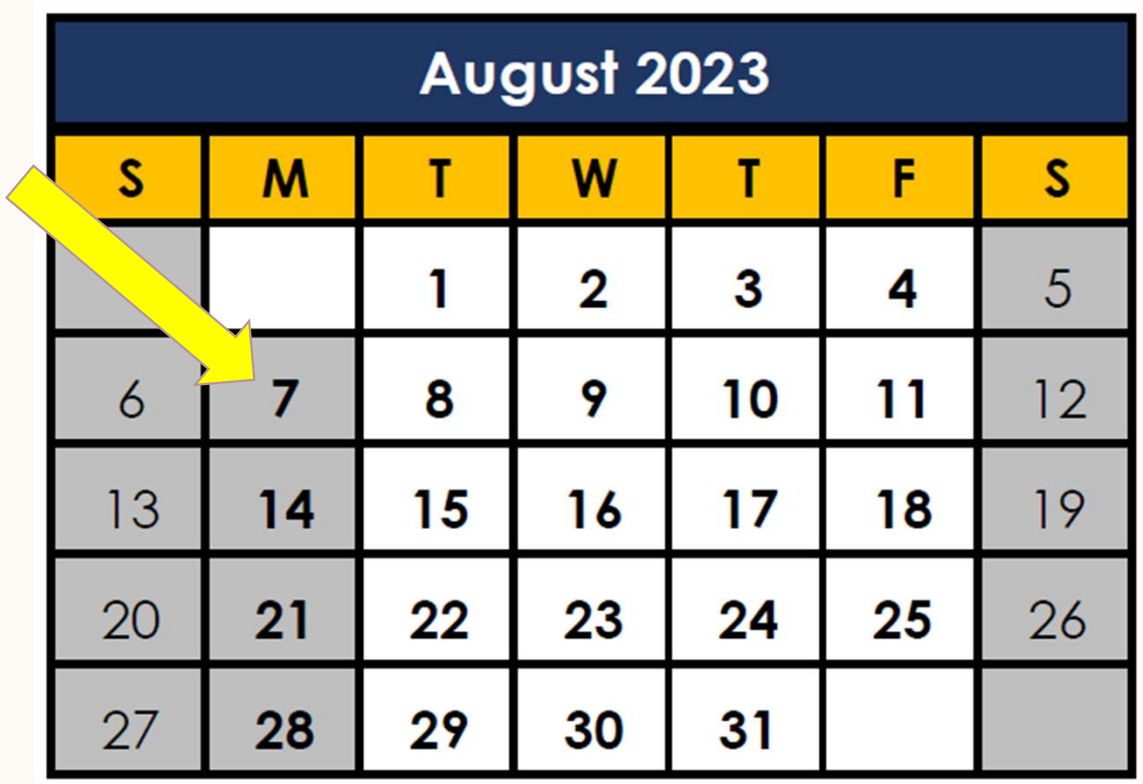
THE BUZZ

Let's take a close, month-by-month look at this innovative calendar.

JULY 2023

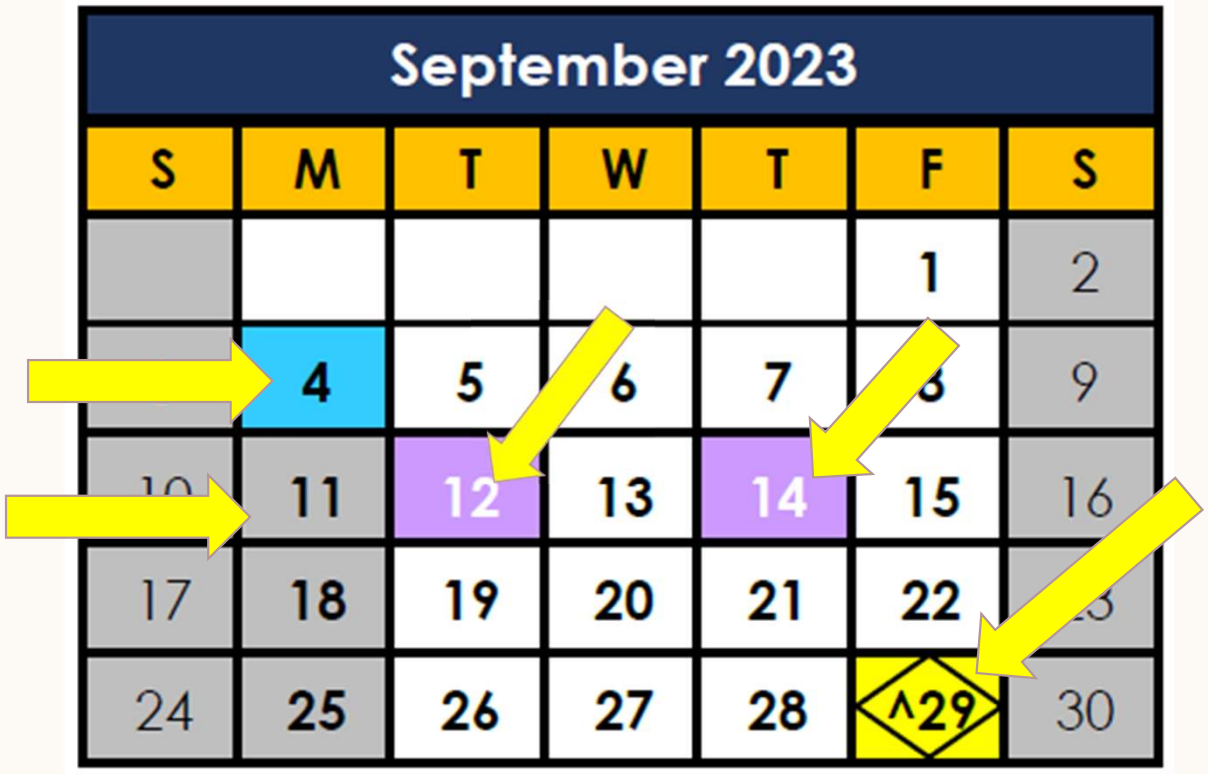
July 2023
S
T
W
T
F
S
2
3
4
5
6
7
8
9
10
11
13
14
15
18
19
20
21
24
25
26
27
28
29
31

AUGUST 2023



August 2023						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER 2023

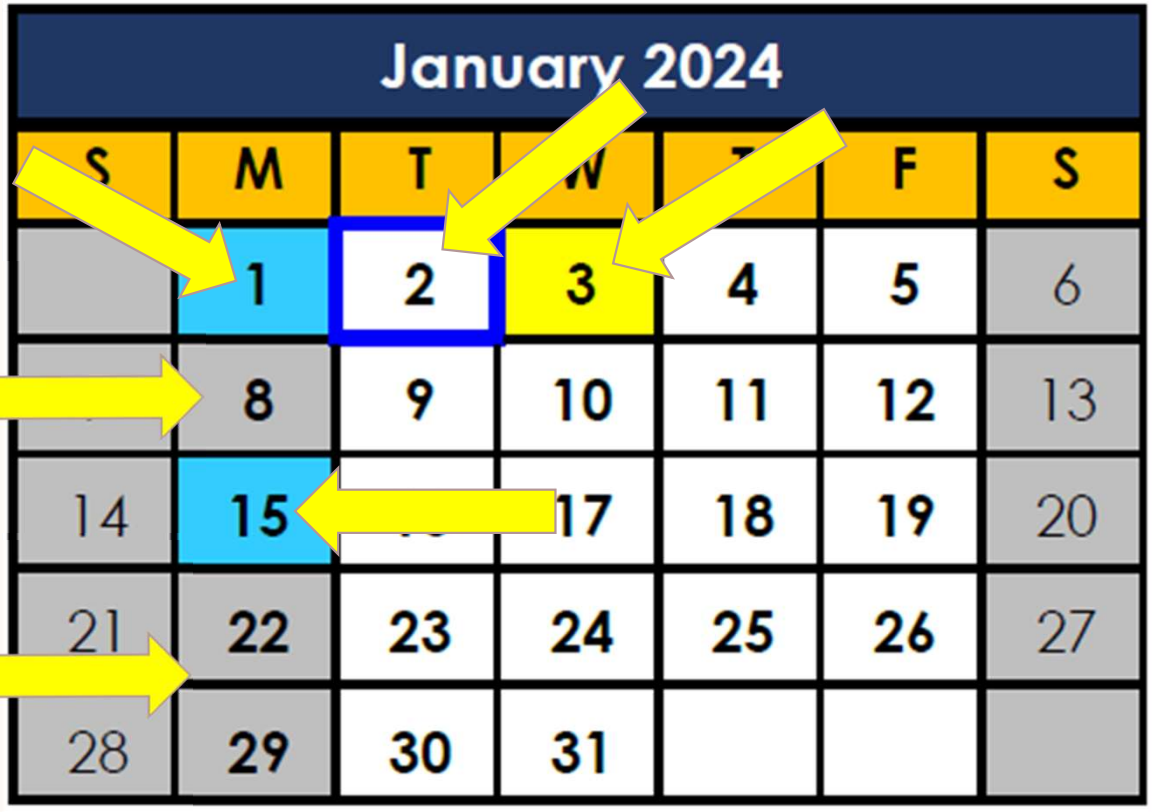


OCTOBER 2023

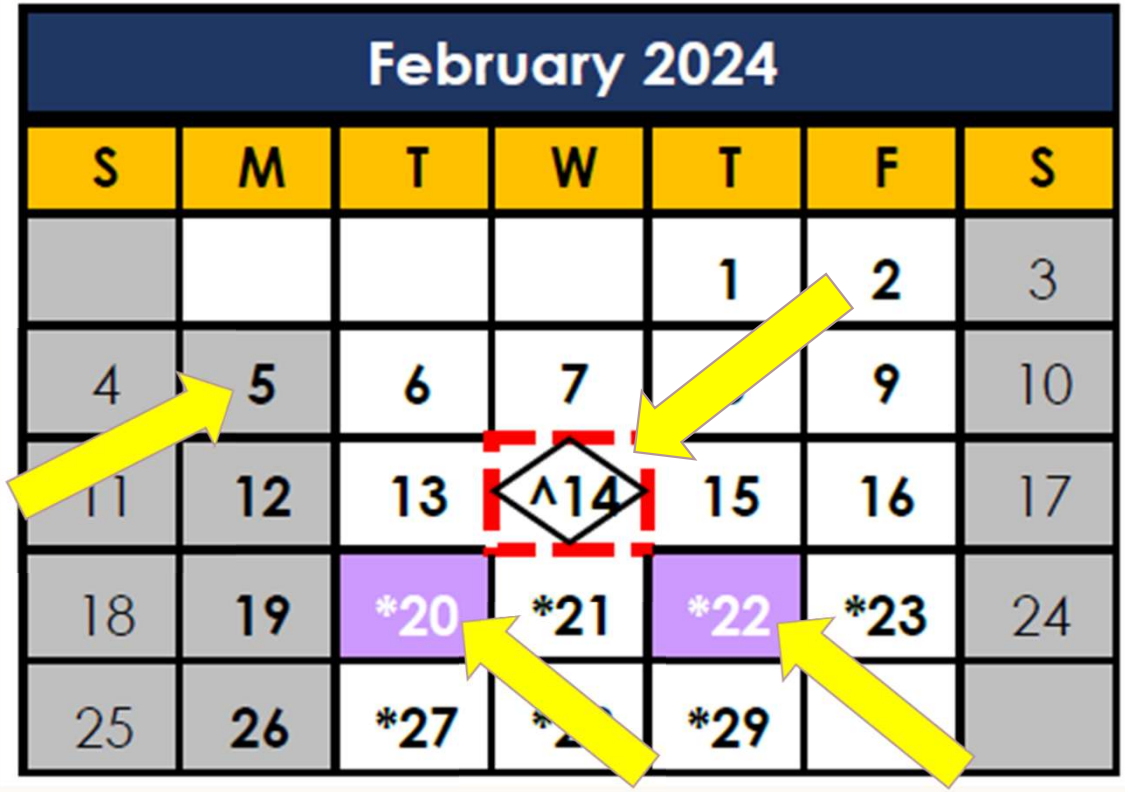
NOVEMBER 2023

DECEMBER 2023

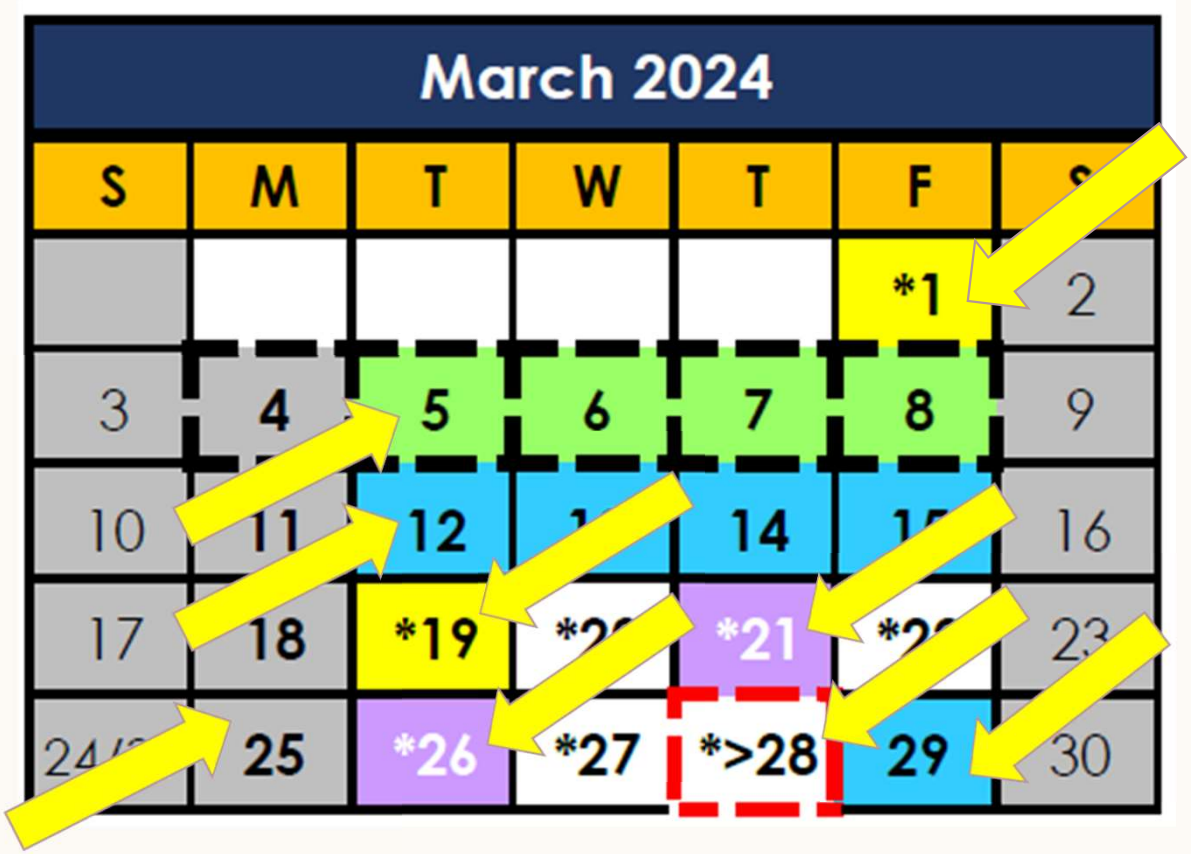
JANUARY 2024



FEBRUARY 2024



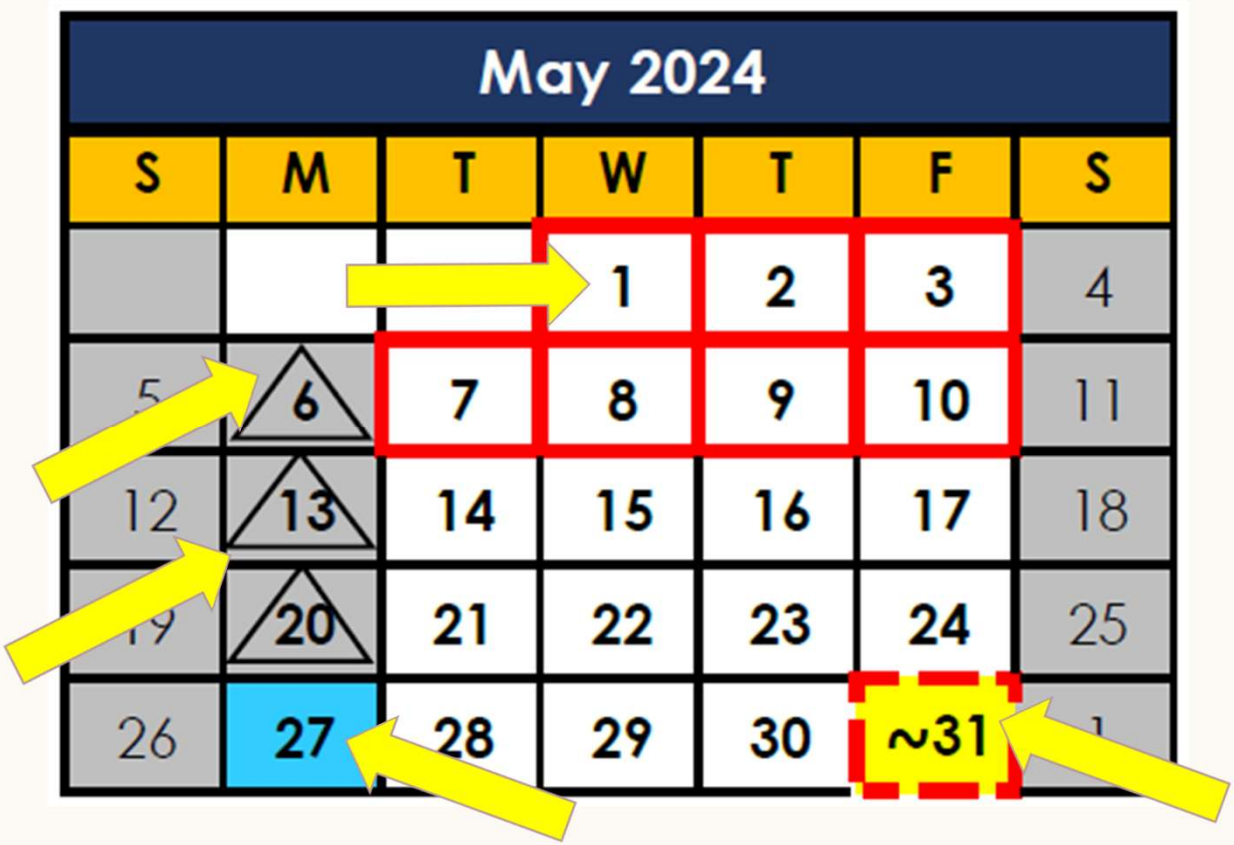
MARCH 2024


March 2024
S
M
T
W
T
F
*1
2
3
4
5
6
7
8
9
10
11
12
14
16
17
18
*19
*21
23
25
*26
*27
*>28
29
30

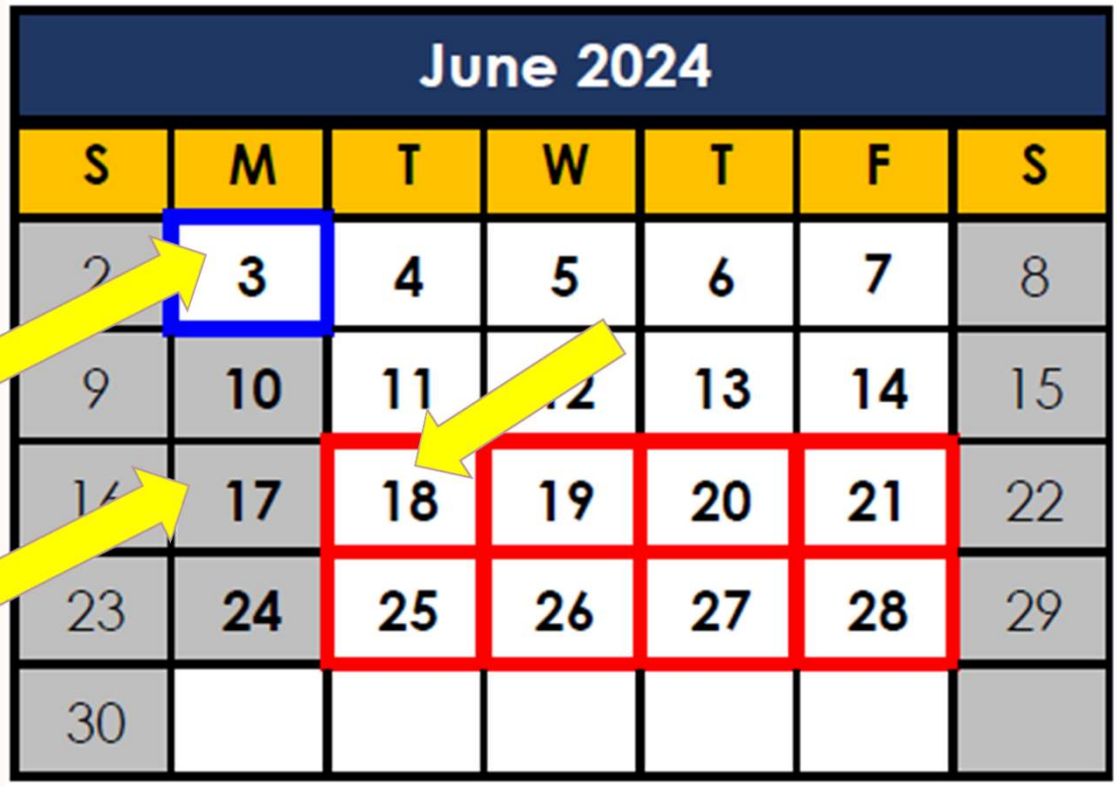
APRIL 2024

April 2024
S
M
T
W
T
F
1
2
3
4
^{5
6
7
8
9
11
12
13
14
15
16
17
18
19
20
22
23
24
25
26
27
28
29
30

MAY 2024


May 2024
S
M
T
W
T
F
S
1
2
3
4
6
7
8
9
10
11
12
13
14
15
16
17
18
20
21
22
23
24
25
26
27
28
29
30
~31

JUNE 2024


June 2024
S M T W T F S
3 4 5 6 7 8
9 10 11 13 14 15
17 18 19 20 21 22
23 24 25 26 27 28 29
30

BY THE NUMBERS

Teacher Professional Development (3 total days)
July 19-20 (full days), Oct. 31(1/2 day), Apr. 5 (1/2 day)

Teacher Guided Lesson Planning (2 total days)
July 21 (full day), Sept. 29 (1/2 day), Feb. 14 (1/2 day)

Teacher Workdays (3 total days)
July 24, Jan. 2, June 3

Teacher feedback is crucial to our commitment to becoming better each and every year.

BY THE NUMBERS

Annual Instructional Minutes

Required total for Grades PPK-12:	75,600
SEISD Instructional Minutes:	76,515

Although there are fewer school days overall in a 4-day week, the annual instructional minutes are about the same. We will be in full compliance with requirements for annual instructional minutes.

STUDENT *SAMPLE* SCHEDULE

Elementary

7:20 AM—4:05 PM

(525 daily minutes)

Secondary

8:05 AM—4:50 PM

(525 daily minutes)

BY THE NUMBERS—TEACHERS' PAY

Teacher							
Calendar	**Days**	**Daily Minutes**	**Annual Minutes**	**Diference per Year (minutes)**	**Percentage**	**Daily**	Yearly Pay
Current	187	450	84,150		100%	$ 302.41	$ 56,550.00
Draft A	163	505	82,315	(1,835.00)	97.82%	$ 346.93	$ 56,550.00
Draft B	155	535	82,925	(1,225.00)	98.54%	$ 364.84	$ 56,550.00

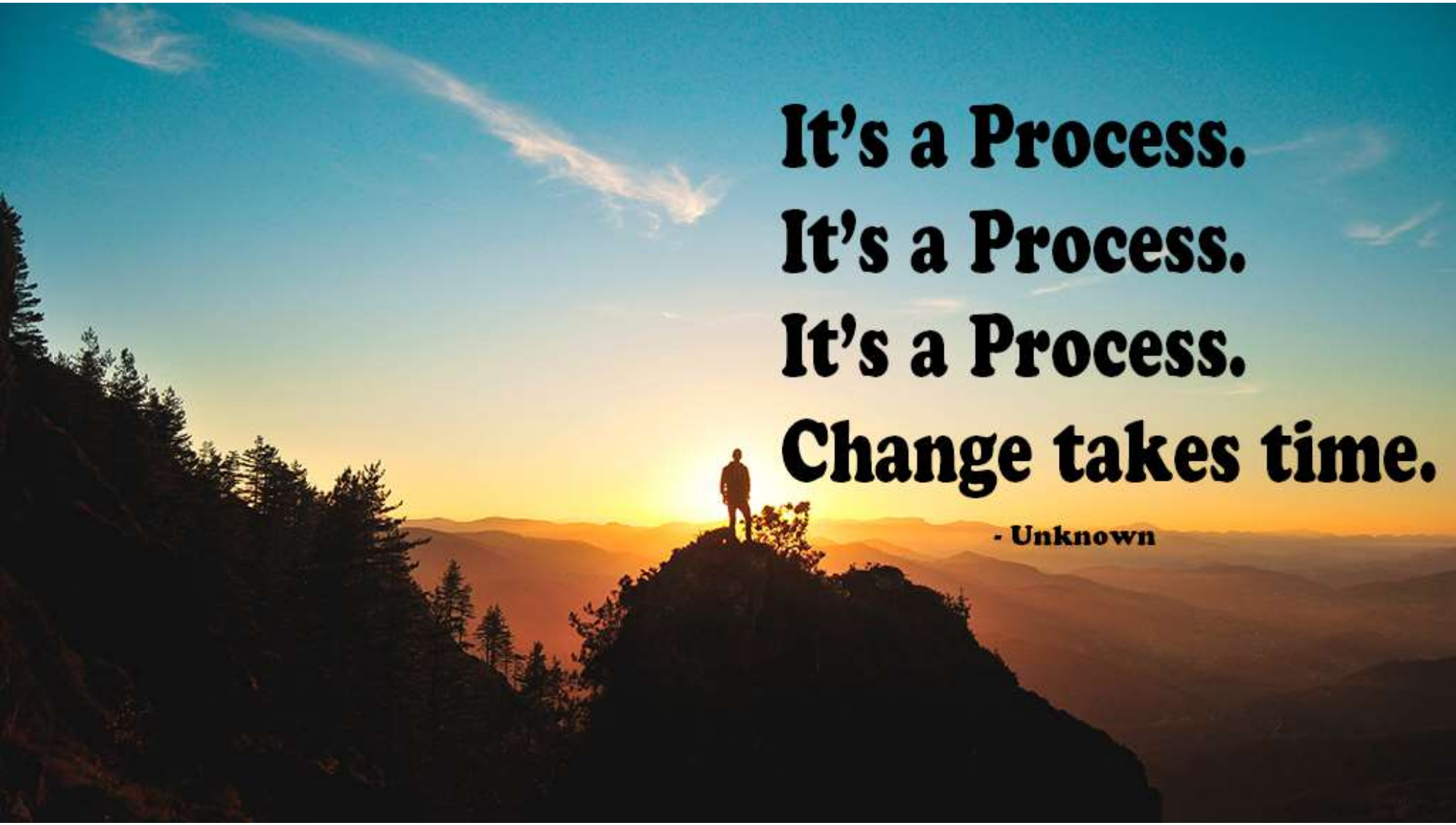
- Teachers will work 155 days compared to 187 currently.
- The daily pay rate will increase significantly, but the annual pay is the same even with a 4-day week.
- The days will be longer, but the annual minutes the teachers work will be 1.46% less than they do currently.
- No teachers will lose money but will gain back 44 Mondays.

BY THE NUMBERS—HOURLY EMPLOYEES' PAY

Hourly Employee Example							
Calendar	Days	Daily Minutes	Annual Minutes	Annual Hours		Hourly Pay	Yearly Pay
Current	226	480	108,480	1,808.00	100%	$ 15.00	$ 27,120.00
Draft A			106,114	1,768.57	97.82%	$ 15.33	$ 27,120.00
Draft B			106,901	1,781.68	98.54%	$ 15.22	$ 27,120.00

- Hourly employees will work fewer hours overall on an annual basis.
- Their hourly pay rate will increase.
- They will work 1.46% annual hours less than they currently do, for the same pay.

Leadership is the capacity to translate vision into reality.
Warren G. Bennis
quotefancy


It's a Process.
It's a Process.
It's a Process.
Change takes time.
- Unknown

IT IS RECOMMENDED THAT THE BOARD OF TRUSTEES APPROVE THE 2023-2024; 4-DAY SCHOOL CALENDAR AND PROVIDE THEIR COMMITMENT FOR A MINIMUM OF 2 YEARS TO THIS 4-DAY VISION (2023-2024 AND 2024-2025).

THANK YOU TO THE SEISD BOARD OF TRUSTEES FOR YOUR LEADERSHIP AND BELIEF IN THIS VISION.

#SOARINGHIGHERTOGETHER

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Edgar Ponce, Coordinator of ESSER Programs
Subject: Public comment and input on the Elementary and Secondary School Emergency Relief Fund (ESSER III)
Date: January 18, 2023

HISTORY: In 2021 the District applied for the CRRSA ESSER II grant and for the ARP ESSER III grant.

RATIONALE: The ARP ESSER III grant has a compliance requirement requiring grantees to review and update as appropriate both their Safe Return to In-Person Instruction and Continuity of Services Plan and their Plan for Uses of ARP ESSER III plans. The purpose of this agenda item is to allow for public and stakeholder feedback.

BUDGET IMPACT: There is no budget impact with this item.

ADMINISTRATIVE RECOMMENDATION: This agenda item is for information only and does not require any action.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER) Update

January 18, 2023

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

Grant Compliance Requirement

The Safe Return to In-Person Instruction and Continuity of Services Plan and the LEA's Plan for Uses of ARP ESSER III Funds must be reviewed at least every 6 months and updated as appropriate.

San Elizario Independent School District

District Use of Funds Update – ESSER II – as of 1/03/2023

#	Groups	Funds Budgeted	Funds Used
1	Loss of learning	$186,407	$174,627
2	Technology integration	$249,696	$201,696
4	Family/Community Engagement	$52,626	$37,751
5	Safe to return in person and continuity of services	$20,000	$12,340
6	Mental health and behavioral supports	$80,479	$63,351
7	Grant administration	$917,333	$293,500
8	Student Enrichment & Afterschool Programs	$359,900	$107,319
9	Resources to address needs of individual schools	$665,564	$443,708
9.1	Band instruments	$313,386	$313,383
9.2	Student furniture	$1,756,271	$1,692,944
10	Retention of employees	$2,253,919	$2,208,433
11	Teacher supply funds	$106,500	$83,190
	Total	$6,962,081	$5,632,244

ESSER II Grant End Date: September 2023

San Elizario Independent School District

District Use of Funds Update – ESSER III – as of 1/03/2023

#	Groups	Funds Budgeted	Funds Used
1	Loss of learning	$5,142,109	$2,347,713
2	Technology integration	$2,100,000	$1,292,211
3	Professional development	$351,288	$48,189
4	Family/Community Engagement	$616,894	$231,980
5	Safe to return in person and continuity of services	$1,134,315	$577,317
6	Mental health and behavioral supports	$774,462	$221,477
7	Grant administration	$3,938,369	$1,517,427
8	Student Enrichment & Afterschool Programs	$184,515	$0
9	Resources to address needs of individual schools	$568,166	$227,328
10	Retention of employees	$830,780	$0
	Total	$15,640,897	$6,463,642

ESSER III Grant End Date: September 2024

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

ESSER III Position Snapshot

Campus	Role	Status
SEHS	Intervention Teacher	Vacant
SEHS	At Risk Aide	Vacant
SEHS	Bilingual Aide	Filled
SEHS	Paraprofessional - LPAC	Filled
SEHS	At Risk Teacher	Filled
SEHS	Counselor	Filled
SEHS	School Improvement Coord.	Vacant
GEMS	Intervention Teacher	Vacant
GEMS	Intervention Teacher	Vacant
GEMS	Bilingual Aide	Filled
GEMS	School Improvement Coord.	Filled
GEMS	At Risk Teacher	Filled
Loya	Counselor	Filled
Loya	Parent Liaison	Filled
Loya	At Risk Teacher	Vacant
Loya	School Improvement Coord.	Filled

Campus	Role	Status
Alarcon	Intervention Teacher	Filled
Alarcon	Intervention Teacher	Filled
Alarcon	Bilingual Aide	Filled
Alarcon	Parent Liaison	Vacant
Alarcon	At Risk Teacher	Filled
Borrego	Intervention Teacher	Filled
Borrego	Intervention Teacher	Filled
Borrego	Bilingual Aide	Vacant
Borrego	Parent Liaison	Filled
Borrego	At Risk Teacher	Filled
Sambrano	Intervention Teacher	Vacant
Sambrano	Intervention Teacher	Filled
Sambrano	Bilingual Aide	Filled
Sambrano	Parent Liaison	Filled
Sambrano	At Risk Teacher	Filled

Depts	Role	Status
Other	ESSER Program Coord.	Filled
Other	Dyslexia Teacher	Filled
Other	SPED Counselor Part Time	Filled
Other	LVN	Filled
Other	Nurse Aide	Filled
Other	LSSP	Vacant

ESSER II Position Snapshot

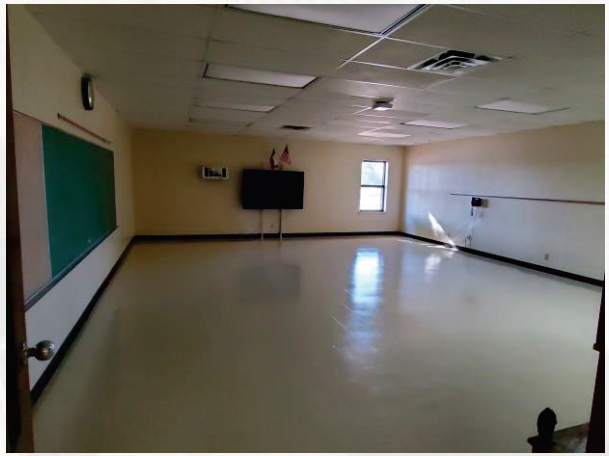
Campus	Role	Status
SEHS	Receptionist	Filled
SEHS	Monitor	Filled
SEHS	Monitor	Filled
SEHS	Monitor	Filled
SEHS	Monitor	Vacant

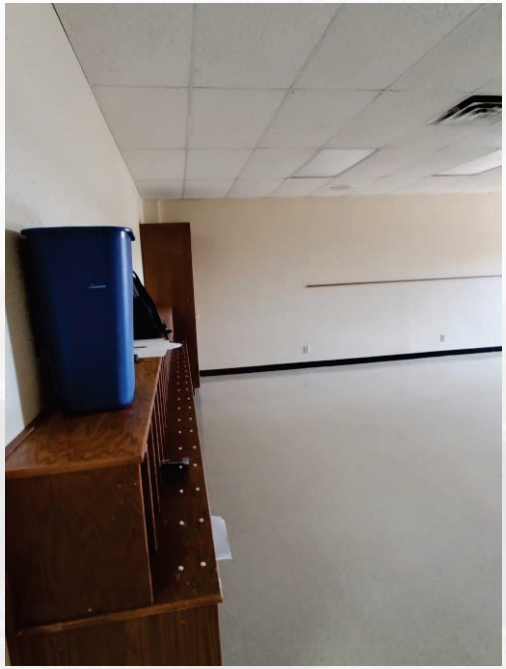
Campus	Role	Status
GEMS	Receptionist	Filled
Loya	Receptionist	Filled
Sambrano	Monitor	Filled
Sambrano	Monitor	Filled

San Elizario Independent School District

Eagles Learning Center (budgeted under ESSER II – Group 8)

How It Started

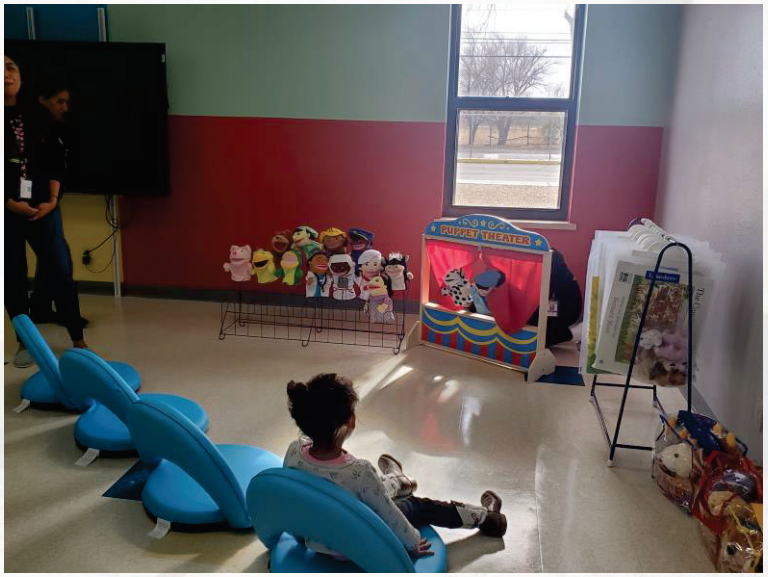




San Elizario Independent School District

Eagles Learning Center (budgeted under ESSER II – Group 8)

How It Is Going



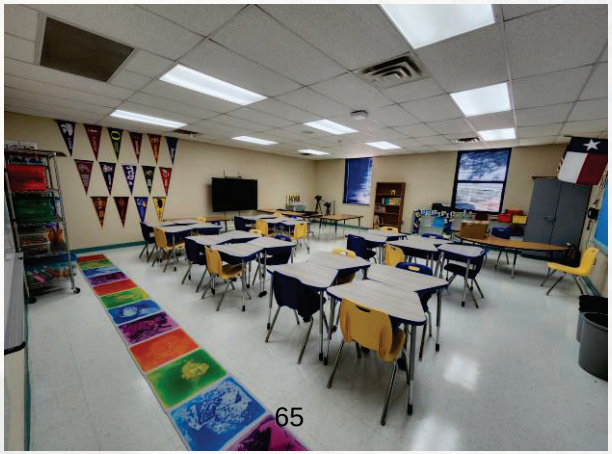
San Elizario Independent School District

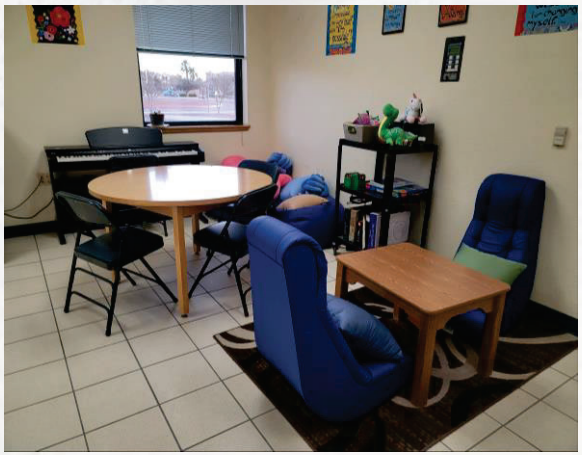
ESSER Projects

Interactive Play/Learning Obie

San Elizario Independent School District

SEL Areas





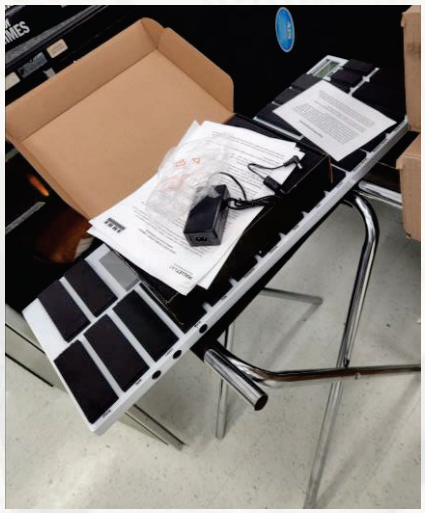
San Elizario Independent School District

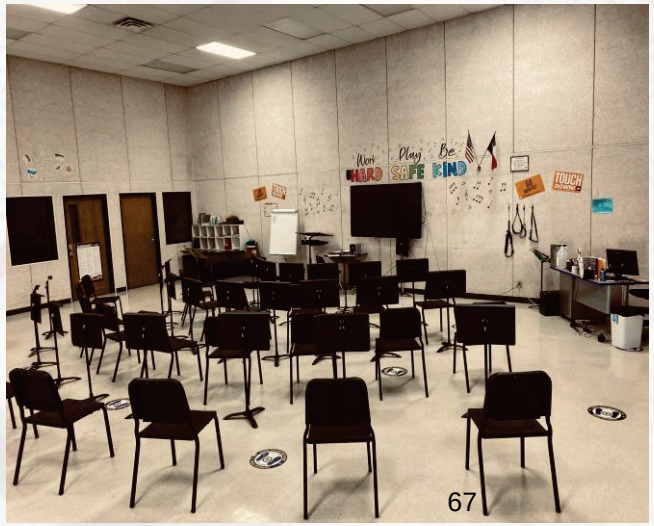
After School Programs

Campus	Activity		Campus	Activity
SEHS	Crafting Eagles		Loya	Arts and Crafts
SEHS	Hardback Life		Loya	Coding/Robotics
SEHS	Impossible N'est Pas Francais		Sambrano	Major Sports
SEHS	Eagle Success Initiative		Sambrano	Folklorico
GEMS	Art Enrichment		Sambrano	Bingo Night
GEMS	Rainbow Lounge		Sambrano	Technology/Robotics
GEMS	Weights		Sambrano	Music
GEMS	Robotics/Coding		Sambrano	Book Club
GEMS	Comic Book Club		Borrego	Meet in the middle
Alarcon	Yoga		Borrego	Game Club
Alarcon	Book Club		Borrego	Coding Club
Alarcon	Game Club		Borrego	Student Council
Alarcon	Coding/Robotics Club		Borrego	Book Club
Alarcon	Cultures around the world		Borrego	Art Club
Alarcon	Safety Patrol		Borrego	Running Club
Alarcon	Running Club		Borrego	Chess Club
Alarcon	Art Club		Borrego	Mechanical/Automotive Club

San Elizario Independent School District

Performing Arts Instruments/Equipment





Examples Of "Some" Instruments/Equipment Ordered
Yamaha YTR-2330 Standard Bb Trumpet
Yamaha YFL-222 Standard Flute
Yamaha YCL-255 Standard Bb Clarinet
Yamaha YAS-26 Standard Alto Saxophone
YamahaYHR-31411 Student F French Horn
Yamaha YSL-354 Series Student Trombone
Yamaha YEP-201 Series 3- Valve Euphonium
Boss DB-90 Dr. Beat Portable Metronome
Black Band Chairs
Proline PL48 Conductor/Orchestra Music Stand Black
Chair Mover and Storage Cart
Hamilton Music Stand Cart with Caster
Treeworks Tre35 Aluminum Classic Chimes
Zildijan S Series Suspended Cymbal 18 in.
Musser M-646 Orchestra Bells
Yamaha Single-Braced Lightweight Snare Stand
Black Swamp Percussion Sound Art Series Double Row 10" Tambourine With Calf Head 10 in.
Proline PL402 2-Tier Double X-Braced Keyboard Stand
Yamaha HD-300 Harmony Director
Gibraltar Concert Cymbal Cradle Stand
LP LP243 Super Guiro
Evans Snare Drum Duo Ring Pack 14 In
TOM Moongel Percussion Dampening Gels
LP LP442 One Shot Shakers Small
LP LP480 Traditional Cabasa
LP LP211R Rosewood Standard Clave
Evans RealFeel Practice Pad 6 in.

San Elizario Independent School District

Parental Engagement

SEISD Parent Liaison Calendar of Events 2022-2023

February 2023

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 GEMS Literacy 10am Read Aloud Day! "El coleccionista de palabras"	2 Borrego Parent Mtg@9:00am-TELPAS/STAAR(Mrs. Brashear & Mrs. Wilks) Alarcon- Coffee with the Principal and Title I @9	3 Latino Literacy Project 9:00 a.m. Board Room Claudia, Becca	4
5	6	7 Mission: Progressing Together Parent Liaison Mtg GEMS 5pm "Yoga with the Principal" Alarcon	8 Borrego Title 1-Parent Session@3:30pm	9 25th Annual FACES Conference Districtwide	10 Latino Literacy Project 9:00 a.m. Board Room Emma and Janet DAT meeting 2p.m. Flor Sanchez	11
12	13	14 Early Release Students/Teacher Inservice	15 Food Distribution Flor Sanchez Borrego: BOM@9:30am Sambrano Info 1 pm	16 SEHS: When you said stop literacy 9:00 am and 5:00 pm Loya- parent literacy 9am &1pm	17 Latino Literacy Project 9:00 a.m. Board Room Mrs. Portillo/GEMS	18
19	20	21 Parent Teacher Conf. Sambrano P Lit 9 am SEHS Volunteer orientation 9:00 am	22 Loya- parent meeting PPE module 4.5 9am Alarcon-Parent Literacy @9	23 Parent Teacher Conf. Borrego Parent Mtg. (Aliviane)Stress Management Alarcon- Title III @9, 130	24 Latino Literacy Project 9:00 a.m. Board Room	25
26	27	28 GEMS 10am & 5pm CTE parent meeting Mrs. Sanchez Alarcon-Intro 5 Love Lang@9				

Please use the following colors to identify events for each campus, Font size 9

SEHS GEMS Alarcon Borrego Sambrano Loya District INFORMATION

Book of the Month was great today. Thank You Mrs. Jasso for always engaging our parents and students. They all enjoyed the sugar skull creativity. @TeresaWilks4 @VJBrashear44 @mjasso_SEISD @NadiaPa60857833

Literacy Night at Borrego. Raffle winners. Thank you parents for supporting your children in all they do. @TeresaWilks4 @VJBrashear44

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)

Questions and comments welcomed at this time

San Elizario Independent School District

Elementary and Secondary School Emergency Relief Fund (ESSER)Update and Public Input

Thank You for EVERYTHING you are doing for our Eagles

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports - Tax Report
Date: January 18, 2023

HISTORY: The primary source of state funding for Texas school districts is the Foundation School Program (FSP). This program ensures that all school districts, regardless of property wealth, receive "substantially equal access to similar revenue per student at similar tax effort." The District's current tax rate was approved at the September 13, 2022 regular Board meeting for a total rate of $1.0530. The Maintenance & Operations (M&O) rate which pays for items such as staff salaries, supplies, materials, transportation and utilities was $0.9033 while the Interest & Sinking (I&S) rate which pays for bonded debt was $0.1497.

RATIONALE: The purpose of this agenda item is to report collections made for the current 2022 tax year which is based on the levy billed on October 1, 2022.

BUDGET IMPACT: Collections as of October 31, 2022 are summarized below.

	M&O	I&S	Total	Collections
Current Year Levy	$3,034,625	$502,915	$3,537,540	
Current Year Collections	$65,038	$10,778	$75,816	$75,816
Current Year Levy Outstanding	$2,969,587	$492,137	$3,461,724	
Prior Year Collections				$46,055
Penalty & Interest Collections				$13,259
Total Collections				$135,130

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

EL PASO CONSOLIDATED TAX OFFICE
PROPERTY TAX COLLECTION ANALYSIS
9/1/2022 through 10/31/2022

JURISDICTION: 19 SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

PERIOD	CURRENT TAX YEAR ($) COLLECTED	CURRENT TAX YEAR ($) CUMULATIVE	PRIOR YEARS ($) COLLECTED	PRIOR YEARS ($) CUMULATIVE	ALL YEARS ($) COLLECTED	ALL YEARS ($) CUMULATIVE	%	COLLECTION FEE ($) COLLECTED	COLLECTION FEE ($) CUMULATIVE
Sep 2022	-	-	18,559.57	18,559.57	18,559.57	18,559.57	0.52%	3,476.25	3,476.25
Oct 2022	75,815.85	75,815.85	40,754.51	59,314.08	116,570.36	135,129.93	3.82%	7,275.98	10,752.23
Nov 2022									
Dec 2022									
Jan 2023									
Feb 2023									
Mar 2023									
Apr 2023									
May 2023									
Jun 2023									
Jul 2023									
Aug 2023									

LEVY		CURRENT	PRIOR	ALL YEARS
Levy-Cert	7/25/2022	-	N/A	N/A
Levy-Billed	10/1/2022	3,537,539.80	611,036.43	4,148,576.23
Adjusted Levy YTD		3,537,539.80	607,439.75	4,144,979.55
Increase/Decrease		-	(3,596.68)	(3,596.68)
Levy Outstanding		3,461,723.95	561,384.93	4,023,108.88

REVENUE	CURRENT	PRIOR	ALL YEARS
Total Levy Collected	75,815.85	46,054.82	121,870.67
Total Penalty & Interest	-	13,259.26	13,259.26
Total Levy + P&I	75,815.85	59,314.08	135,129.93
Taxes as percent of levy	2.14%	1.30%	3.44%
P&I as percent of levy	0.00%	0.37%	0.37%
Total as percent of levy	2.14%	1.67%	3.81%
Collection Fee	-	10,752.23	10,752.23
Total Collected YTD	75,815.85	70,066.31	145,882.16

printed 11/3/2022

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports – Financial Statements
Date: January 18, 2023

HISTORY: The district's fiscal year runs from July 1st through June 30th. The district's fiscal accounts are audited annually and the results are typically presented at the regular board meeting in November.

RATIONALE: The purpose of this agenda item is to present unaudited interim financial statements as of October 31, 2022 which are attached to this memo. Included are:

- Exhibit G-1: presents budget and actual amounts for the general fund
- Exhibit J-3: presents budget and actual amounts for the debt service fund
- Exhibit C-1: presents the balance sheet for governmental funds
- Exhibit C-3: presents revenues and expenditures for governmental funds
- Exhibit H-4: presents revenues and expenses for internal service funds

BUDGET IMPACT: There is no budget impact associated with this agenda item.

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

EXHIBIT G-1

SAN ELIZARIO ISD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - GENERAL FUND - UNAUDITED
FOR THE FOUR MONTHS ENDING OCTOBER 31, 2022

Data Control Codes		Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts (GAAP BASIS)	Variance With Final Budget Positive or (Negative)
	REVENUES:				
5700	Total Local and Intermediate Sources	$ 3,463,733	$ 3,463,733	$ 333,645	$ (3,130,088)
5800	State Program Revenues	30,719,267	30,719,267	7,451,166	(23,268,101)
5900	Federal Program Revenues	6,178,882	6,178,882	1,477,035	(4,701,847)
5020	Total Revenues	40,361,882	40,361,882	9,261,846	(31,100,036)
	EXPENDITURES:				
	Current:				
0011	Instruction	18,841,137	18,831,137	5,924,849	12,906,288
0012	Instructional Resources and Media Services	397,879	397,879	138,569	259,310
0013	Curriculum and Instructional Staff Development	217,512	227,512	84,296	143,216
0021	Instructional Leadership	807,052	807,052	286,583	520,469
0023	School Leadership	2,273,514	2,263,514	790,869	1,472,645
0031	Guidance, Counseling and Evaluation Services	1,350,300	1,343,300	416,548	926,752
0032	Social Work Services	204,238	204,238	64,255	139,983
0033	Health Services	423,014	440,014	165,881	274,133
0034	Student (Pupil) Transportation	1,435,155	1,435,155	455,216	979,939
0035	Food Services	4,411,882	4,411,882	1,084,466	3,327,416
0036	Extracurricular Activities	1,265,633	1,250,633	320,222	930,411
0041	General Administration	1,746,111	1,757,111	673,295	1,083,816
0051	Facilities Maintenance and Operations	4,566,073	4,526,073	1,586,616	2,939,457
0052	Security and Monitoring Services	917,760	982,760	296,070	686,690
0053	Data Processing Services	1,271,777	1,271,777	546,548	725,229
0061	Community Services	34,090	34,090	8,201	25,889
	Debt Service:				
0071	Debt Service	95,000	95,000	30,394	64,606
	Capital Outlay:				
0081	Facilities Acquisition and Construction	492,331	492,331	84,342	407,989
	Intergovernmental:				
0099	Other Intergovernmental Charges	44,500	44,500	11,480	33,020
6030	Total Expenditures	40,794,958	40,815,958	12,968,700	27,847,258
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	(433,076)	(454,076)	(3,706,854)	(3,252,778)
	OTHER FINANCING SOURCES (USES):				
7912	Sale of Real and Personal Property	50,000	50,000	9,984	(40,016)
7915	Transfers In	-	-	-	-
8911	Transfers Out (Use)	-	-	-	-
7080	Total Other Financing Sources (Uses)	50,000	50,000	9,984	(40,016)
1200	Net Changes in Fund Balances	(383,076)	(404,076)	(3,696,870)	(3,292,794)
0100	Fund Balance - July 1 (Beginning)	-	16,175,027	16,175,027	-
3000	Fund Balance - June 30 (Ending)	$ (383,076)	$ 15,770,951	$ 12,478,157	$ (3,292,794)

EXHIBIT J-3

SAN ELIZARIO ISD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - DEBT SERVICE FUND - UNAUDITED
FOR THE FOUR MONTHS ENDING OCTOBER 31, 2022

Data Control Codes		Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts (GAAP BASIS)	Variance With Final Budget Positive or (Negative)
	REVENUES:				
5700	Total Local and Intermediate Sources	$ 505,106	$ 505,106	$ 32,082	$ (473,024)
5800	State Program Revenues	1,129,516	1,129,516	-	(1,129,516)
5020	Total Revenues	1,634,622	1,634,622	32,082	(1,602,540)
	EXPENDITURES:				
	Debt Service:				
0071	Debt Service	1,622,868	1,622,868	458,684	1,164,184
6030	Total Expenditures	1,622,868	1,622,868	458,684	1,164,184
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	11,754	11,754	(426,602)	(438,356)
	OTHER FINANCING SOURCES (USES):				
7915	Transfers In	-	-	-	-
7916	Premium or Discount on Issuance of Bonds	-	-	-	-
8949	Transfers Out (Use)	-	-	-	-
7080	Total Other Financing Sources (Uses)	-	-	-	-
1200	Net Changes in Fund Balances	11,754	11,754	(426,602)	(438,356)
0100	Fund Balance - July 1 (Beginning)	-	294,129	294,129	-
3000	Fund Balance - June 30 (Ending)	$ 11,754	$ 305,883	$ (132,473)	$ (438,356)

EXHIBIT C-1

SAN ELIZARIO ISD
BALANCE SHEET
GOVERNMENTAL FUNDS - UNAUDITED
AS OF OCTOBER 31, 2022

Data Control Codes		General Fund	Other Funds	Total Governmental Funds
	ASSETS			
1110	Cash and Cash Equivalents	$ 11,374,900	$ 673,295	$ 12,048,195
1220	Property Taxes - Delinquent	605,232	70,481	675,713
1230	Allowance for Uncollectible Taxes (Credit)	(55,505)	(6,181)	(61,686)
1240	Receivables from Other Governments	635,255	4,095,585	4,730,840
1250	Accrued Interest	580	-	580
1260	Due from Other Funds	4,463,405	315,040	4,778,445
1300	Inventories	212,980	-	212,980
1410	Prepayments	-	-	-
1000	Total Assets	17,236,847	5,148,220	22,385,067
	LIABILITIES			
2110	Accounts Payable	427,850	747,173	1,175,023
2150	Payroll Deductions and Withholdings Payable	333,322	-	333,322
2160	Accrued Wages Payable	1,564,518	300,153	1,864,671
2170	Due to Other Funds	1,730,845	3,448,861	5,179,706
2180	Due to Other Governments	-	2,500	2,500
2200	Accrued Expenditures	97,480	-	97,480
2300	Unearned Revenues	54,947	34,610	89,557
2000	Total Liabilities	4,208,962	4,533,297	8,742,259
	DEFERRED INFLOWS OF RESOURCES			
2601	Unavailable Revenue - Property Taxes	549,727	64,300	614,027
2600	Total Deferred Inflows of Resources	549,727	64,300	614,027
	FUND BALANCES			
	Nonspendable Fund Balance:			
3410	Inventories	158,033	-	158,033
	Restricted Fund Balance:			
3450	Federal or State Funds Grant Restriction	1,103,044	147,311	1,250,355
3470	Capital Acquisition and Contractual Obligation	-	378,295	378,295
3480	Retirement of Long-Term Debt	-	(132,473)	(132,473)
3490	Other Restricted Fund Balance	-	157,490	157,490
3510	Committed Fund Balance - Construction	-	-	-
3600	Unassigned Fund Balance	11,217,082	-	11,217,082
3000	Total Fund Balances	12,478,159	550,623	13,028,782
4000	Total Liabilities, Deferred Inflows & Fund Balances	$ 17,236,847	$ 5,148,220	$ 22,385,067

EXHIBIT C-3

SAN ELIZARIO ISD
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
GOVERNMENTAL FUNDS - UNAUDITED
FOR THE FOUR MONTHS ENDING OCTOBER 31, 2022

Data Control Codes		General Fund	Other Funds	Total Governmental Funds
	REVENUES:			
5700	Total Local and Intermediate Sources	$ 333,645	$ 85,459	$ 419,104
5800	State Program Revenues	7,451,166	21,906	7,473,072
5900	Federal Program Revenues	1,477,035	3,208,383	4,685,418
5020	Total Revenues	9,261,846	3,315,748	12,577,594
	EXPENDITURES:			
	Current:			
0011	Instruction	5,924,849	2,118,141	8,042,990
0012	Instructional Resources and Media Services	138,569	16,506	155,075
0013	Curriculum Instructional Staff Development	84,296	437,709	522,005
0021	Instructional Leadership	286,583	52,330	338,913
0023	School Leadership	790,869	138,947	929,816
0031	Guidance, Counseling and Evaluation Services	416,548	87,314	503,862
0032	Social Work Services	64,255	1,309	65,564
0033	Health Services	165,881	56,788	222,669
0034	Student (Pupil) Transportation	455,216	114,787	570,003
0035	Food Services	1,084,466	17,997	1,102,463
0036	Extracurricular Activities	320,222	27,993	348,215
0041	General Administration	673,295	7,168	680,463
0051	Facilities Maintenance and Operations	1,586,616	62,216	1,648,832
0052	Security and Monitoring Services	296,070	29,825	325,895
0053	Data Processing Services	546,548	4,307	550,855
0061	Community Services	8,201	79,750	87,951
	Debt Service:			
0071	Debt Service	30,394	458,684	489,078
	Capital Outlay:			
0081	Facilities Acquisition and Construction	84,342	160,429	244,771
	Intergovernmental:			
0099	Other Intergovernmental Charges	11,480	-	11,480
6030	Total Expenditures	12,968,700	3,872,200	16,840,900
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	(3,706,854)	(556,452)	(4,263,306)
	OTHER FINANCING SOURCES (USES)			
7912	Sale of Real and Personal Property	9,984	-	9,984
7915	Transfers In	-	-	-
8911	Transfers Out (Use)	-	-	-
7080	Total Other Financing Sources (Uses)	9,984	-	9,984
1200	Net Change in Fund Balances	(3,696,870)	(556,452)	(4,253,322)
0100	Fund Balance - July 1 (Beginning)	16,175,027	1,107,072	17,282,099
1300	Prior Period Adjustment	-	-	-
3000	Fund Balance - June 30 (Ending)	$ 12,478,157	$ 550,620	$ 13,028,777

EXHIBIT H-4

SAN ELIZARIO ISD
COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET POSITION
INTERNAL SERVICE FUNDS - UNAUDITED
FOR THE FOUR MONTHS ENDING OCTOBER 31, 2022

	753 Self Insurance Health Fund	770 Self Insurance W/ Comp Fund	Total Internal Service Funds
OPERATING REVENUES:			
Local and Intermediate Sources	$ 1,435,736	$ 46,932	$ 1,482,668
Total Operating Revenues	1,435,736	46,932	1,482,668
OPERATING EXPENSES:			
Professional and Contracted Services	1,064,026	103,363	1,167,389
Other Operating Costs	349,734	-	349,734
Total Operating Expenses	1,413,760	103,363	1,517,124
Operating Income (Loss)	21,975	(56,431)	(34,456)
NONOPERATING REVENUES (EXPENSES):			
Earnings from Temporary Deposits & Investments	237	10,766	11,003
Total Nonoperating Revenues (Expenses)	237	10,766	11,003
Income (Loss) Before Transfers	22,212	(45,665)	(23,453)
Transfer In	-	-	-
Change in Net Position	22,212	(45,665)	(23,453)
Total Net Position - July 1 (Beginning)	42,931	1,087,526	1,130,457
Total Net Position - June 30 (Ending)	$ 65,143	$ 1,041,861	$ 1,107,004

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Financial Reports – Investment Report
Date: January 18, 2023

HISTORY: Not less than quarterly, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding report period in accordance with section 2256.023 of the Texas Government Code.

RATIONALE: The purpose of this agenda item is to present that investment report for the month of October 2022.

BUDGET IMPACT: Interest earned by fund is summarized in the investment report which is attached to this memo.

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

San Elizario I.S.D.
Statement of Interest Earned
For The Four Months Ending October 31, 2022

General Fund	**$**	**80,942.69**
Interest & Sinking (Debt Service) Fund	**$**	**2,127.00**
Capital Projects Fund	**$**	**3,492.94**
Health Insurance Fund	**$**	**236.64**
Workers Compensation Fund	**$**	**10,766.21**
Total	**$**	**97,565.48**

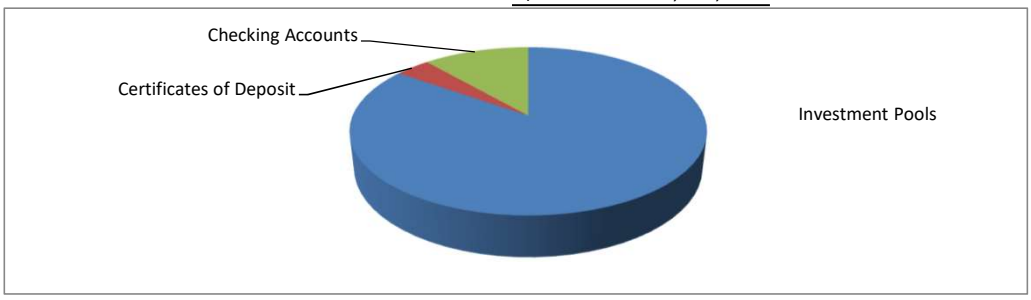
We, the undersigned Investment Officers, do hereby certify that the above investment information, is in compliance with Board Policy (CDA Local) and requirements stated in Sec. 2256.023 of the PFIA.

Norberto Rivas — **December 13, 2022**

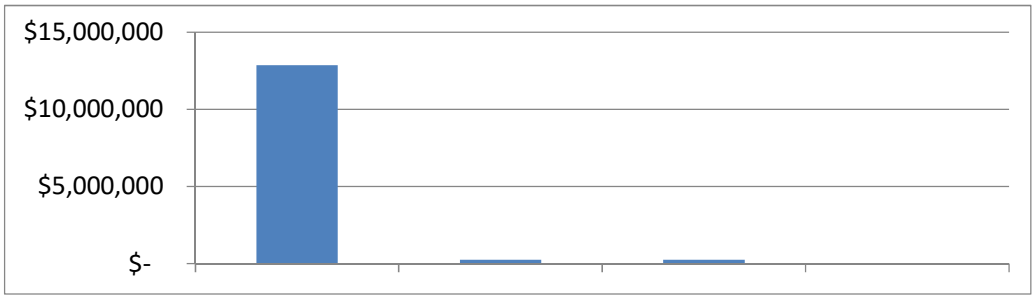
Chief Financial Officer — **Date**

Portfolio Diversification

By Investment Type		Current Market Value	Portfolio %
Investment Pools	$	11,335,859	84.81%
Certificates of Deposit	$	500,000	3.74%
Checking Accounts	$	1,530,113	11.45%
	$	13,365,972	



By Investment Maturity		Current Market Value	Portfolio %
Overnight	$	12,865,972	96.26%
0 - 1 Year	$	250,000	1.87%
1 - 2 Years	$	250,000	1.87%
2 + years	$	-	0.00%
	$	13,365,972	



General Fund

Wells Fargo- General Operating Checking Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 981,356.69	0.00%	$ -
01-Aug-22	31-Aug-22	Overnight	$ 1,101,549.85	0.00%	$ -
01-Sep-22	30-Sep-22	Overnight	$ 921,560.33	0.00%	$ -
01-Oct-22	31-Oct-22	Overnight	$ 1,289,880.16	0.00%	$ -
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ -**

Wells Fargo- Food Service Checking Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 8,478.85	0.00%	$ -
01-Aug-22	31-Aug-22	Overnight	$ 25,898.35	0.00%	$ -
01-Sep-22	30-Sep-22	Overnight	$ 42,470.85	0.00%	$ -
01-Oct-22	31-Oct-22	Overnight	$ 53,027.90	0.00%	$ -
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ -**

Lone Star Investment Pool- Corporate Overnight Plus Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 6,346,975.40	1.73%	$ 10,076.29
01-Aug-22	31-Aug-22	Overnight	$ 2,712,572.75	2.43%	$ 10,721.67
01-Sep-22	30-Sep-22	Overnight	$ 6,541,945.47	2.68%	$ 8,425.44
01-Oct-22	31-Oct-22	Overnight	$ 5,147,071.15	3.25%	$ 15,532.12
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 44,755.52**

Lone Star Investment Pool- Corporate Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 350,296.81	1.70%	$ 503.95
01-Aug-22	31-Aug-22	Overnight	$ 351,018.21	2.42%	$ 721.40
01-Sep-22	30-Sep-22	Overnight	$ 401,855.10	2.67%	$ 836.89
01-Oct-22	31-Oct-22	Overnight	$ 402,964.29	3.25%	$ 1,109.19
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 3,171.43**

Lone Star Investment Pool- Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 399,157.04	1.51%	$ 414.69
01-Aug-22	31-Aug-22	Overnight	$ 592,538.66	2.15%	$ 781.94
01-Sep-22	30-Sep-22	Overnight	$ 624,476.36	2.48%	$ 1,255.76
01-Oct-22	31-Oct-22	Overnight	$ 685,156.98	3.07%	$ 1,699.96
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 4,152.35**

Texas CLASS Investment Pool- General Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 3,199,369.30	1.64%	$ 4,450.85
01-Aug-22	31-Aug-22	Overnight	$ 3,205,595.03	2.29%	$ 6,225.73
01-Sep-22	30-Sep-22	Overnight	$ 3,212,660.85	2.68%	$ 7,065.82
01-Oct-22	31-Oct-22	Overnight	$ 3,221,481.93	3.23%	$ 8,821.08
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 26,563.48**

GECU- Certificate of Deposit (Date Opened: 4/21/2021 Maturity Date: 4/21/2024)

Beginning Date	*Ending Date*	*Maturity*		*Bank Balance*	*Interest Rate*		*Interest Earned*
01-Jul-22	31-Jul-22	1 - 2 years	$	250,000.00	0.80%	$	169.86
01-Aug-22	31-Aug-22	1 - 2 years	$	250,000.00	0.80%	$	169.86
01-Sep-22	30-Sep-22	1 - 2 years	$	250,000.00	0.80%	$	164.38
01-Oct-22	31-Oct-22	1 - 2 years	$	250,000.00	0.80%	$	169.86
01-Nov-22	30-Nov-22	1 - 2 years	$	-	0.80%	$	-
01-Dec-22	31-Dec-22	1 - 2 years	$	-	0.80%	$	-
01-Jan-23	31-Jan-23	1 - 2 years	$	-	0.80%	$	-
01-Feb-23	28-Feb-23	1 - 2 years	$	-	0.80%	$	-
01-Mar-23	31-Mar-23	1 - 2 years	$	-	0.80%	$	-
01-Apr-23	30-Apr-23	0 - 1 years	$	-	0.80%	$	-
01-May-23	31-May-23	0 - 1 years	$	-	0.80%	$	-
01-Jun-23	30-Jun-23	0 - 1 years	$	-	0.80%	$	-
					Interest Earned:	**$**	**673.96**

FLFCU- Certificate of Deposit (Date Opened: 11/6/2019 Maturity Date: 11/6/2022)

Beginning Date	*Ending Date*	*Maturity*		*Bank Balance*	*Interest Rate*		*Interest Earned*
01-Jul-22	31-Jul-22	0 - 1 years	$	250,000.00	1.93%	$	409.79
01-Aug-22	31-Aug-22	0 - 1 years	$	250,000.00	1.93%	$	409.79
01-Sep-22	30-Sep-22	0 - 1 years	$	250,000.00	1.93%	$	396.58
01-Oct-22	31-Oct-22	0 - 1 years	$	250,000.00	1.93%	$	409.79
01-Nov-22	30-Nov-22	0 - 1 years	$	-	1.93%	$	-
					Interest Earned:	**$**	**1,625.95**

Total General Fund Interest Earned	**$**	**80,942.69**

Interest & Sinking Fund (Debt Service)

Lone Star Investment Pool- Corporate Overnight Plus Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 204,419.34	1.73%	$ 300.15
01-Aug-22	31-Aug-22	Overnight	$ 204,841.70	2.43%	$ 422.36
01-Sep-22	30-Sep-22	Overnight	$ 205,292.48	2.68%	$ 450.78
01-Oct-22	31-Oct-22	Overnight	$ 205,859.13	3.25%	$ 566.65
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 1,739.94**

Lone Star Investment Pool- Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 42,256.23	1.51%	$ 51.82
01-Aug-22	31-Aug-22	Overnight	$ 47,307.16	2.15%	$ 83.13
01-Sep-22	30-Sep-22	Overnight	$ 52,369.16	2.48%	$ 103.94
01-Oct-22	31-Oct-22	Overnight	$ 62,126.25	3.07%	$ 148.17
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 387.06**

Total Debt Service Fund Interest Earned **$ 2,127.00**

Capital Projects Fund

2015 Bond Construction Fund - Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 540,358.38	1.51%	$ 773.48
01-Aug-22	31-Aug-22	Overnight	$ 376,541.49	2.15%	$ 966.03
01-Sep-22	30-Sep-22	Overnight	$ 377,310.32	2.48%	$ 768.83
01-Oct-22	31-Oct-22	Overnight	$ 378,294.92	3.07%	$ 984.60
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 3,492.94**

Total Capital Projects Fund Interest Earned **$ 3,492.94**

Health Insurance Fund

Wells Fargo- Health Insurance

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 73,407.61	0.40%	$ 70.56
01-Aug-22	31-Aug-22	Overnight	$ 302,203.73	0.40%	$ 43.81
01-Sep-22	30-Sep-22	Overnight	$ 22,751.93	0.40%	$ 52.20
01-Oct-22	31-Oct-22	Overnight	$ 61,631.44	0.50%	$ 70.07
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 236.64**

Total Health Insurance Fund Interest Earned **$ 236.64**

Workers Compensation Fund

Wells Fargo- Worker's Compensation

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 107,073.37	0.40%	$ 38.50
01-Aug-22	31-Aug-22	Overnight	$ 117,622.01	0.40%	$ 34.28
01-Sep-22	30-Sep-22	Overnight	$ 150,436.37	0.40%	$ 44.96
01-Oct-22	31-Oct-22	Overnight	$ 125,573.74	0.50%	$ 59.16
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 176.90**

Lone Star Investment Pool- Corporate Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-22	31-Jul-22	Overnight	$ 1,274,148.16	1.70%	$ 1,833.22
01-Aug-22	31-Aug-22	Overnight	$ 1,276,772.15	2.42%	$ 2,623.99
01-Sep-22	30-Sep-22	Overnight	$ 1,229,510.61	2.67%	$ 2,738.46
01-Oct-22	31-Oct-22	Overnight	$ 1,232,904.25	3.25%	$ 3,393.64
01-Nov-22	30-Nov-22	Overnight	$ -	0.00%	$ -
01-Dec-22	31-Dec-22	Overnight	$ -	0.00%	$ -
01-Jan-23	31-Jan-23	Overnight	$ -	0.00%	$ -
01-Feb-23	28-Feb-23	Overnight	$ -	0.00%	$ -
01-Mar-23	31-Mar-23	Overnight	$ -	0.00%	$ -
01-Apr-23	30-Apr-23	Overnight	$ -	0.00%	$ -
01-May-23	31-May-23	Overnight	$ -	0.00%	$ -
01-Jun-23	30-Jun-23	Overnight	$ -	0.00%	$ -
				Interest Earned:	**$ 10,589.31**

Total Worker's Compensation Fund Interest Earned : **$ 10,766.21**

Lone★Star
Investment Pool

Distributed by FIRST PUBLIC Member FINRA/SIPC

First Public
12007 Research Blvd.
Austin, Texas 78759
800.558.8875 • **firstpublic.com**

Fund Performance Update

October 31, 2022

Comments by Mellon, Investment Manager

U.S. Treasury yields continued their upward trend in October, although not at as fast a pace as seen in the previous two months. The curve flattened slightly from the 2 to 30-year area as the two-year note rose just 20 basis points. The equity markets in the U.S. reversed the trend of plummeting prices as the S&P 500 index rose nearly 8%. Corporate earnings reports have been mixed with some high-profile tech disappointments along with some outperformances by basic industries. U.S. economic growth rebounded in the third quarter, following two quarters of contractions, as GDP was higher by 2.6%. Inflation pressures remained very strong as CPI was higher than expected at 8.2%. There was no FOMC meeting in October. The market is fully pricing in a 75-basis point rate hike at the November 2 FOMC meeting. The language that accompanies the announcement will be very important for market expectations at the December FOMC meeting.

Active Participants This Month

Schools and Colleges	574
Other Governmental Entities	80
Total	*654*

Custodian Bank: State Street Bank

Investment Managers:
American Beacon Advisors and
Mellon Investments Corp (Dreyfus)

The Lone Star Investment Pool is endorsed by:

TASA TASB

The Lone Star Investment Pool Information Statement should be read carefully before investing. Investors should consider the investment objectives, risks, changes, and expenses associated with this or any security prior to investing. Investment in Lone Star Investment Pool is not insured or guaranteed by the Federal Deposit Insurance Corporation (FDIC) or any other government agency, and although Lone Star seeks to preserve the value of the investment at a fixed share price, it is possible to lose money by investing in Lone Star. For further information or for an Information Statement contact First Public at 800.558.8875. The return information is net of all current operating expenses. The return represents past performance and is no indication of future results.

Lone★Star
Investment Pool

Government Overnight Fund

Return Information

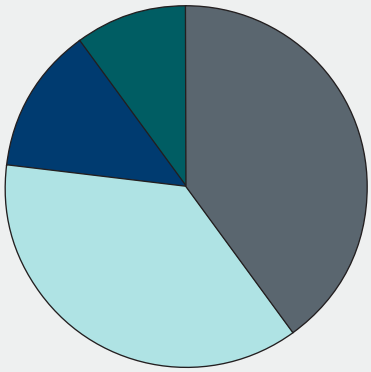
October 31, 2022

Average Monthly Return (a)	3.07%
SEC 7-day Fund Yield (b)	3.14%
Weighted Average Maturity One (c)	6 days
Weighted Average Maturity Two (c)	85 days
Portfolio Maturing beyond One Year	7%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAm

Inventory Position

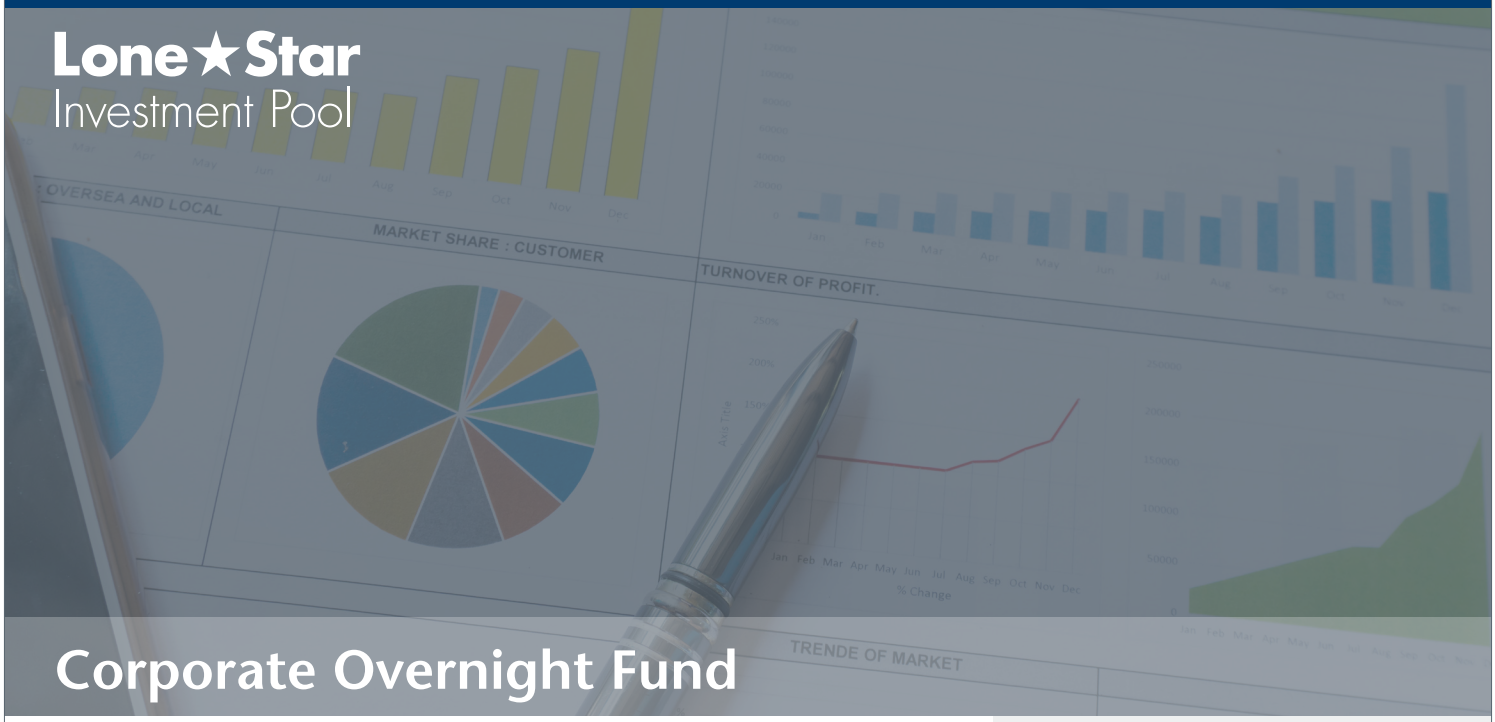
	Book Value	Market Value
Cash/Repo	1,599,372,638.57	1,599,372,638.57
US Treasuries	440,275,419.01	440,251,311.60
Agencies	1,741,554,955.26	1,741,462,410.13
Money Market Funds	589,798,399.12	589,798,399.12
Total Assets	*4,371,001,411.96*	*4,370,884,759.42*

Investment Distribution



(a) The return information represents the average annualized rate of return on investments for the time period referenced. Return rates reflect a partial waiver of the Lone Star Investment Pool operating expense. Past performance is no guarantee of future results.

Lone★Star
Investment Pool



Corporate Overnight Fund

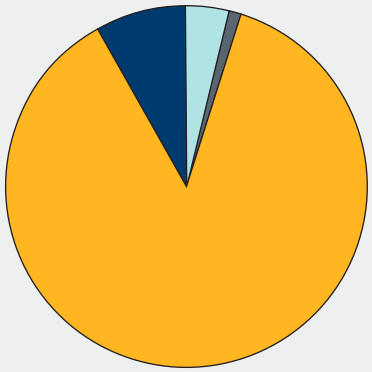
Return Information
October 31, 2022

Average Monthly Return (a)	3.25%
SEC 7-day Fund Yield (b)	3.29%
Weighted Average Maturity One (c)	13 days
Weighted Average Maturity Two (c)	58 days
Portfolio Maturing beyond One Year	0%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAm

Inventory Position

	Book Value	Market Value
Cash/Repo	123,173,429.30	123,173,429.30
US Treasuries	-	-
Agencies	44,895,500.00	44,877,576.35
Commercial Paper	2,586,248,741.20	2,585,357,758.29
Money Market Funds	231,856,879.14	231,853,873.45
Total Assets	*2,986,174,549.64*	*2,985,262,637.39*

Investment Distribution



Commercial Paper	87%
Money Market	8%
Cash Repo	4%
Agencies	1%

(b)

SEC 7-Day Yield Calculation

$$\text{Yield} = 2\left[\left(\frac{a-b}{cd}+1\right)^{6}-1\right]$$

a - Dividend and interest income
b - Expenses accrued for the period
c - Average daily number of shares outstanding during the period that was entitled to dividends
d - Maximum offering price per share on the last day of the period

Lone★Star
Investment Pool

Corporate Overnight Plus Fund

Return Information

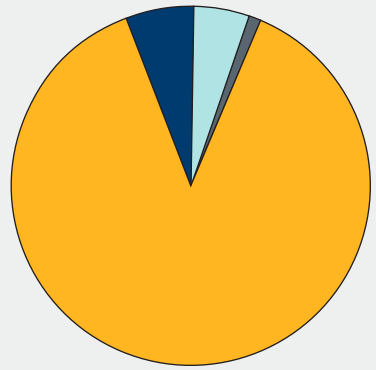
October 31, 2022

Average Monthly Return (a)	3.25%
SEC 7-day Fund Yield (b)	3.29%
Weighted Average Maturity One (c)	15 days
Weighted Average Maturity Two (c)	60 days
Portfolio Maturing beyond One Year	0%
Net Asset Value (NAV)	$1.00
Annualized Expense Ratio	0.06%
Standard & Poor's Rating	AAAf/S1+

Inventory Position

	Book Value	Market Value
Cash/Repo	407,930,277.40	407,930,277.40
US Treasuries	-	-
Agencies	4,188,546.27	4,188,228.84
Commercial Paper	6,803,758,755.20	6,801,107,868.81
Money Market Funds	489,175,404.36	489,173,568.50
Total Assets	*7,705,052,983.23*	*7,702,399,943.55*

Investment Distribution



(c) The Weighted Average Maturity One calculation uses the industry standard definition of state maturity for floating rate instruments, the number of days until the next reset date. The Weighted Average Maturity Two calculation uses the final maturity of any floating rate instruments, as opined in Texas Attorney General Opinion No. JC0359.

Texas CLASS

	Texas CLASS	
Date	Dividend Rate	Daily Yield
10/01/2022	0.000000000	3.1427%
10/02/2022	0.000000000	3.1427%
10/03/2022	0.000085364	3.1164%
10/04/2022	0.000085846	3.1334%
10/05/2022	0.000086574	3.1600%
10/06/2022	0.000087311	3.1868%
10/07/2022	0.000350608	3.1992%
10/08/2022	0.000000000	3.1993%
10/09/2022	0.000000000	3.1993%
10/10/2022	0.000000000	3.1993%
10/11/2022	0.000087829	3.2057%
10/12/2022	0.000087872	3.2073%
10/13/2022	0.000087562	3.1960%
10/14/2022	0.000263988	3.2119%
10/15/2022	0.000000000	3.2118%
10/16/2022	0.000000000	3.2118%
10/17/2022	0.000088258	3.2216%
10/18/2022	0.000088232	3.2205%
10/19/2022	0.000088440	3.2281%
10/20/2022	0.000088839	3.2426%
10/21/2022	0.000267576	3.2548%
10/22/2022	0.000000000	3.2555%
10/23/2022	0.000000000	3.2555%
10/24/2022	0.000089717	3.2747%
10/25/2022	0.000089783	3.2769%
10/26/2022	0.000090149	3.2897%
10/27/2022	0.000090824	3.3151%
10/28/2022	0.000273639	3.3293%
10/29/2022	0.000000000	3.3293%
10/30/2022	0.000000000	3.3293%
10/31/2022	0.000091599	3.3434%

Performance results are shown net of all fees and expenses and reflect the reinvestment of dividends and other earnings. Many factors affect performance including changes in market conditions and interest rates and in response to other economic, political, or financial developments. Investment involves risk including the possible loss of principal. No assurance can be given that the performance objectives of a given strategy will be achieved. **Past performance is no guarantee of future results. Any financial and/or investment decision may incur losses.**

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Christine Jaksch, Athletic Director
Subject: Approval of PO# 46856 - Gym Floor replacement
Date: January 18, 2023

HISTORY: The floor of the main gym at San Elizario High School has not been redone for several years. An emergency repair was done earlier in the year when the floor warped due to a water leak.

RATIONALE: The floor has several spots that are warped. The main gym is used for Volleyball and Basketball games, as well as various high school activities, such as the Rose Ceremony and the GEMS transition ceremony. Mr. Martinez, Mr. Gomez, and I have been working on this with Stout Hardwood Floors. The coaches have been involved in the design of the new floor. The design was also sent to the Superintendent and Assistant Superintendent for approval.

BUDGET: Money has already been set aside for improvements. Stout Hardwood Floor Inc. did the minor repairs and we are bringing a quote from the same company to redo the entire floor. Mr. Stout submitted the quote of $27,812.64 to complete the project.

ADMINISTRATIVE RECOMMENDATION:

The Administration is looking for the Board to approve the Purchase Order for $27,812.64 to complete the project.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

San Elizario Independent School District
1050 Chicken Ranch Road
San Elizario, TX 79849-9999
(915) 872-3900

BLANKET/PROJECT PURCHASE
46856

Date: 12/16/2022

VENDOR: 10847

TO: Stout Hardwood Floor Co., Inc
PO Box 16650
LAS CRUCES, NM 88005

SHIP TO: San Elizario Independent School
200 N. Herring
San Elizario, TX 79849-

ATTN:
VENDOR PHONE: 575-527-4143
VENDOR FAX: 575-541-1447
VENDOR EMAIL:

REC. LOC: Finance - R. Hermosillo
REC. GRP: Finance - R. Hermosillo

LINE	ITEM	QUANTITY	UOM	ITEM NO.	UNIT PRICE	UNIT DISC.	TOTAL
1		1.00000			27812.64		27812.64

SEHS Gym Floor Refinishing
Sand, paint, and finish gym floor
ESC Region 19- ASC 21-7403
See attached quote
C Jaksch

TOTAL **27812.64**

P.O. Source	Account Number	Amount
Project Requisition	199.51.6249.82.836.99	27,812.64

PO NOT VALID UNLESS APPROVED BY THE SAN ELIZARIO ISD BOARD

INSTRUCTIONS TO VENDORS

1. Reference all packages & packing slips with PO Number
2. Ship prepaid
3. Tax Exempt No. 74 6002231
4. Invoice in duplicate; Attn: Accounts Payable
5. Do not fill order at higher price without Purchasing Dept. approval
6. POs are cancelled if not shipped complete within 90 days.
7. If federal funds (funds starting with a 2 from the first three-digit code in the account number) have been referenced on this PO, these items will need to follow the Federal Regulation 2 CFR 200.322, The Domestic Preferences for Procurements (commonly referenced as Buy American).

THIS PURCHASE ORDER IS NOT BINDING UNLESS SIGNED BY A PURCHASING AGENT.

Roberto Rivas

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Budget Amendment
Date: January 18, 2023

HISTORY: The District's 2022-2023 budget was officially approved at the June 20, 2022 special Board meeting.

RATIONALE: In accordance with CE(LOCAL), the Board shall approve amendments to the budget when a change is made increasing any one of the functional spending categories or increasing revenue object accounts and other resources.

The purpose of this agenda item is to amend budgeted expenditures in the following areas:

- **Budget Alignment**
  - Increases and decreases to various functions based on projected budgeted costs for the 2022-23 fiscal year.
- **Canopy Repairs**
  - Increase to function 51 to budget for canopy repairs at Borrego and Sambrano by using unspent payroll (due to vacancies) funds in function 11.

BUDGET IMPACT: The budget impact for these amendments can be seen on the attachment.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to approve the budget amendment as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT - GENERAL FUND

		2022-2023 Fund 101	2022-2023 Fund 199	2022-2023 Adopted	2022-2023 Amended *Current*	**Proposed Amendments - 1/18/2023** Budget Alignment	Canopy Repairs	2022-2023 Amended *Proposed*
	REVENUES							
5700	Total Local and Intermediate Sources	$ 176,000	$ 3,287,733	$ 3,463,733	$ 3,463,733			$ 3,463,733
5800	State Sources	$ 77,000	$ 30,642,267	$ 30,719,267	$ 30,719,267			$ 30,719,267
5900	Federal Programs	$ 4,158,882	$ 2,020,000	$ 6,178,882	$ 6,178,882			$ 6,178,882
	Total Revenues	$ 4,411,882	$ 35,950,000	$ 40,361,882	$ 40,361,882			$ 40,361,882
	EXPENDITURES							
11	Instruction	$ -	$ 18,841,137	18,841,137	18,831,137	$ (25,000)	$ (10,776)	$ 18,795,361
12	Instructional Resources and Media Services	$ -	$ 397,879	397,879	397,879	$ 5,000		$ 402,879
13	Curriculum and Instructional Staff Development	$ -	$ 217,512	217,512	227,512	$ 13,000		$ 240,512
21	Instructional Leadership	$ -	$ 807,052	807,052	807,052			$ 807,052
23	School Leadership	$ -	$ 2,273,514	2,273,514	2,263,514	$ (13,000)		$ 2,250,514
31	Guidance, Counseling and Evaluation Services	$ -	$ 1,350,300	1,350,300	1,343,300	$ (5,000)		$ 1,338,300
32	Social Work Services	$ -	$ 204,238	204,238	204,238			$ 204,238
33	Health Services	$ -	$ 423,014	423,014	440,014			$ 440,014
34	Student (Pupil) Transportation	$ -	$ 1,435,155	1,435,155	1,435,155			$ 1,435,155
35	Food Services	$ 4,411,882	$ -	4,411,882	4,411,882			$ 4,411,882
36	Cocurricular/Extracurricular Activities	$ -	$ 1,265,633	1,265,633	1,250,633			$ 1,250,633
41	General Administration	$ -	$ 1,746,111	1,746,111	1,757,111	$ 13,000		$ 1,770,111
51	Facilities Maintenance and Operations	$ -	$ 4,566,073	4,566,073	4,526,073		$ 10,776	$ 4,536,849
52	Security and Monitoring Services	$ -	$ 917,760	917,760	982,760			$ 982,760
53	Data Processing Services	$ -	$ 1,271,777	1,271,777	1,271,777	$ 12,000		$ 1,283,777
61	Community Services	$ -	$ 34,090	34,090	34,090			$ 34,090
71	Debt Service - Principal on Long Term Debt	$ -	$ 95,000	95,000	95,000			$ 95,000
81	Facilities Acquisition and Construction	$ -	$ 492,331	492,331	492,331			$ 492,331
99	Other Intergovernmental Charges	$ -	$ 44,500	44,500	44,500			$ 44,500
	Total Expenditures	$ 4,411,882	$ 36,383,076	$ 40,794,958	$ 40,815,958	$ -	$ -	$ 40,815,958
	REVENUES OVER(UNDER) EXPENDITURES	$ -	$ (433,076)	$ (433,076)	$ (454,076)			$ (454,076)
7915	Operating Transfer In			$ -	$ -			$ -
7912	Sale of Real and Personal Property			$ 50,000	$ 50,000			$ 50,000
8911	Operating Transfer Out			$ -	$ -			$ -
	Total Other Financing Sources(Uses)			$ 50,000	$ 50,000			$ 50,000
	Net Change in Fund Balance			$ (383,076)	$ (404,076)			$ (404,076)
3000	Total Fund Balance - July 1 (Beginning)			$ 16,175,027	$ 16,175,027			$ 16,175,027
3000	Total Fund Balance - June 30 (Projected Ending)			$ 15,791,951	$ 15,770,951			$ 15,770,951

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Subject: Annual Report of Cooperative Purchasing Fees
Date: January 18, 2023

HISTORY: Resolutions for participating in various purchasing cooperatives are approved by the Board of Trustees prior to conducting business with them and authorization for continued participation is brought for Board approval on an annual basis at the start of the fiscal year.

RATIONALE: Education Code Sec. 44.031 requires an annual report to the Board of any contract-related fees, including any management fee, paid by or to the district and the purpose of each fee under the contract.

Purchasing cooperatives that the District participates in which charged fees during the 2021-2022 fiscal year are listed below:

Cooperative Name	Lead Agency	Fee Charged to Vendor	Fee Charged to San Elizario ISD
Allied States Cooperative	ESC Region 19	2%	none
BuyBoard	TASB	2%	$400 per Auto $800 per Bus
Department of Information Resources (DIR)	State of Texas	0.5 - 0.75%	None
Texas Multiple Award Schedule (TXMAS)	Texas Comptroller	1.5%	$100 annually
Central Purchasing Alliance (CTPA)	Round Rock ISD	None	$150 annually
The Interlocal Purchasing System (TIPS USA)	Region 8	1-2%	none
OMNIA Partners	Various	1–3%	none
Sourcewell	State of Minnesota	1.5%	none
Choice Partners	Harris County Dept of Education	1-4%	none

BUDGET: The budget impact to the district is the fee charged to San Elizario ISD shown above.

ADMINISTRATIVE RECOMMENDATION: This report is for information only.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Norberto Rivas, Chief Financial Officer
Jesus Martinez, Director- Support Services
Subject: Consider and possible Board action to approve final payment to PERIKIN Enterprises, LLC., for the Alarcon Elementary drop-off area improvements RFP#22-1104
Date: January 18, 2023

HISTORY: PERIKIN Enterprises LLC., has completed all construction work regarding the Alarcon Elementary drop of area and basketball courts.

RATIONALE: The purpose of this agenda item is to seek Board acceptance of the work and to approve the release of the remaining balance for the aforementioned project in accordance with CV (LOCAL).

BUDGET: The remaining amount of 15,547.79 which includes any retainage owed to the contractor, will be paid from the bond funds that were committed for this project.

ADMINISTRATIVE RECOMMENDATION: The recommendation is for the Board of Trustees to approve the final payment as presented.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

APPLICATION AND CERTIFICATE FOR PAYMENT

TO OWNER/CLIENT:
San Elizario ISD
200 N. Herring Road San Elizario, Texas 79849 United States

PROJECT:
PK1040-Drop Off Lane Alarcon Elementary
12501 Socorro Road
San Elizario, Texas 79849

APPLICATION NO: 4
INVOICE NO: 4
PERIOD: 08/01/22 - 12/31/22
PROJECT NOs: PK1040-Drop Off Area Alarcon Elementary

DISTRIBUTION TO:

FROM CONTRACTOR:
Perikin Enterprises
500 Marquette Ave Suite 510 Albuquerque, New Mexico 87102 United States

VIA ARCHITECT/ENGINEER:

CONTRACT DATE: 05/31/22

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation sheet is attached.

1.	Original Contract Sum		$263,051.51
2.	Net change by change orders		$0.00
3.	Contract sum to date (line 1 ± 2)		$263,051.51
4.	Total completed and stored to date (Column G on detail sheet)		$263,051.51
5.	Retainage:		
	a. 0.00% of completed work	$0.00	
	b. 0.00% of stored material	$0.00	
	Total retainage (Line 5a + 5b or total in column I of detail sheet)		$0.00
6.	Total earned less retainage (Line 4 less Line 5 Total)		$263,051.51
7.	Less previous certificates for payment (Line 6 from prior certificate)		$247,503.72
8.	Current payment due		$15,547.79
9.	Balance to finish, including retainage (Line 3 less Line 6)		$0.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner/Client:	$0.00	$0.00
Total approved this Month:	$0.00	$0.00
Totals:	$0.00	$0.00
Net changes by change order:	$0.00	

The undersigned certifies that to the best of the Contractor's knowledge, information and belief, the Work covered by this Application for Payment has been completed in accordance with the Contract documents, that all amounts have been paid by the Contractor for Work which previous Certificates for payment were issued and payments received from the Owner/Client, and that current payments shown herein is now due.

CONTRACTOR: Perikin Enterprises

By: _____ Date: 12/31/2022

State of: New Mexico

County of: Bernalillo

Subscribed and sworn to before me this 31 day of December 2022

Notary Public: _____

My commission expires: 11/5/2023

Official Seal
BERNADETTE MONTEZ
Notary Public
State of New Mexico
My Comm. Expires 11/5/2023

ARCHITECT'S/ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on the on-site observations and the data comprising this application, the Architect/Engineer certifies to the Owner/Client that to the best of the Architect's/Engineer's knowledge, information and belief that Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED: $15,547.79

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT/ENGINEER:

By: _____ Date: 12/31/2022

This certificate is not negotiable. The amount certified is payable only to the contract named herein. Issuance, payment and acceptance of payment are without prejudice to the rights of the Owner/Client or Contractor under this Contract.

A	B	C			D	E	F	G		H	I
Item No.	Description of Work	Scheduled Value	Approved Changes	Revised Scheduled Value	Work Completed		Materials Presently Stored	Total Completed and Stored to Date (D + E + F)	% (G/C)	Balance to Finish (C-G)	Retainage
					From Previous (D+E)	This Period					
1	Bonds and Insurance	$4,946.00	$0.00	$4,946.00	$4,946.00	$0.00	$0.00	$4,946.00	100.00%	$0.00	$0.00
2	Permitting and Water Utility	$2,200.00	$0.00	$2,200.00	$2,200.00	$0.00	$0.00	$2,200.00	100.00%	$0.00	$0.00
3	Preconstruction and Product Data Submittals	$500.00	$0.00	$500.00	$500.00	$0.00	$0.00	$500.00	100.00%	$0.00	$0.00
4	Utility Locates	$300.00	$0.00	$300.00	$300.00	$0.00	$0.00	$300.00	100.00%	$0.00	$0.00
5	Proctor Sampling	$1,200.00	$0.00	$1,200.00	$1,200.00	$0.00	$0.00	$1,200.00	100.00%	$0.00	$0.00
6	Mobilization	$10,362.65	$0.00	$10,362.65	$10,362.65	$0.00	$0.00	$10,362.65	100.00%	$0.00	$0.00
7	Worksite Set Up/BMP's	$1,641.61	$0.00	$1,641.61	$1,641.61	$0.00	$0.00	$1,641.61	100.00%	$0.00	$0.00
8	Demolition Clearing Basketball Court	$4,788.02	$0.00	$4,788.02	$4,788.02	$0.00	$0.00	$4,788.02	100.00%	$0.00	$0.00
9	Earthwork Basket Ball Court Area	$3,420.02	$0.00	$3,420.02	$3,420.02	$0.00	$0.00	$3,420.02	100.00%	$0.00	$0.00
10	Trenching for Storm Drain Area	$1,915.21	$0.00	$1,915.21	$1,915.21	$0.00	$0.00	$1,915.21	100.00%	$0.00	$0.00
11	Install and Backfill Storm Drain	$3,420.02	$0.00	$3,420.02	$0.00	$0.00	$3,420.02	$3,420.02	100.00%	$0.00	$0.00
12	Subgrade Preparation BBCourt	$3,146.42	$0.00	$3,146.42	$3,146.42	$0.00	$0.00	$3,146.42	100.00%	$0.00	$0.00
13	UG Electrical and Excavate Light Pole Bases	$10,396.85	$0.00	$10,396.85	$10,396.85	$0.00	$0.00	$10,396.85	100.00%	$0.00	$0.00
14	Formwork and WW @ BBCourt	$13,543.27	$0.00	$13,543.27	$0.00	$0.00	$13,543.27	$13,543.27	100.00%	$0.00	$0.00
15	Install BB Goal Posts	$7,934.44	$0.00	$7,934.44	$0.00	$0.00	$7,934.44	$7,934.44	100.00%	$0.00	$0.00
16	Install BB Court Fence Posts	$20,383.31	$0.00	$20,383.31	$20,383.31	$0.00	$0.00	$20,383.31	100.00%	$0.00	$0.00
17	Concrete Placement BB Court	$50,616.26	$0.00	$50,616.26	$0.00	$0.00	$50,616.26	$50,616.26	100.00%	$0.00	$0.00
18	Concrete Placement Light Pole Bases	$3,556.82	$0.00	$3,556.82	$0.00	$0.00	$3,556.82	$3,556.82	100.00%	$0.00	$0.00
19	Concrete Curing	$273.60	$0.00	$273.60	$0.00	$0.00	$273.60	$273.60	100.00%	$0.00	$0.00
20	BB Court Coating and Striping	$14,090.47	$0.00	$14,090.47	$0.00	$0.00	$14,090.47	$14,090.47	100.00%	$0.00	$0.00
21	BB Court Fencing	$24,213.73	$0.00	$24,213.73	$2,106.74	$0.00	$22,106.99	$24,213.73	100.00%	$0.00	$0.00
22	Assemble BB Goals	$1,368.01	$0.00	$1,368.01	$0.00	$0.00	$1,368.01	$1,368.01	100.00%	$0.00	$0.00
23	Demo Existing Fence and Curbs	$2,736.01	$0.00	$2,736.01	$2,736.01	$0.00	$0.00	$2,736.01	100.00%	$0.00	$0.00
24	Relocate Guardshack	$3,967.22	$0.00	$3,967.22	$1,983.61	$0.00	$1,983.61	$3,967.22	100.00%	$0.00	$0.00
25	Earthwork and Subgrade Preparation	$4,240.82	$0.00	$4,240.82	$4,240.82	$0.00	$0.00	$4,240.82	100.00%	$0.00	$0.00
26	New Concrete Curbs	$8,344.84	$0.00	$8,344.84	$0.00	$0.00	$8,344.84	$8,344.84	100.00%	$0.00	$0.00

A	B	C			D	E	F	G		H	I
Item No.	Description of Work	Scheduled Value	Approved Changes	Revised Scheduled Value	Work Completed		Materials Presently Stored	Total Completed and Stored to Date (D + E + F)	% (G/C)	Balance to Finish (C-G)	Retainage
					From Previous (D+E)	This Period					
27	Formwork and WW @ New Sidewalks	$5,745.63	$0.00	$5,745.63	$0.00	$0.00	$5,745.63	$5,745.63	100.00%	$0.00	$0.00
28	Concrete Placemement New Sidewalks	$4,377.62	$0.00	$4,377.62	$0.00	$0.00	$4,377.62	$4,377.62	100.00%	$0.00	$0.00
29	Concrete Curing	$273.60	$0.00	$273.60	$0.00	$0.00	$273.60	$273.60	100.00%	$0.00	$0.00
30	Install Base Course	$10,807.26	$0.00	$10,807.26	$10,807.25	$0.01	$0.00	$10,807.26	100.00%	$0.00	$0.00
31	New Asphalt Paving	$12,996.07	$0.00	$12,996.07	$0.00	$0.00	$12,996.07	$12,996.07	100.00%	$0.00	$0.00
32	New Fencing and Gates	$10,533.65	$0.00	$10,533.65	$0.00	$0.00	$10,533.65	$10,533.65	100.00%	$0.00	$0.00
33	Install Light Poles and Fixtures	$10,944.06	$0.00	$10,944.06	$0.00	$10,944.06	$0.00	$10,944.06	100.00%	$0.00	$0.00
34	Electrical Connections and Testing	$1,368.02	$0.00	$1,368.02	$0.00	$0.00	$1,368.02	$1,368.02	100.00%	$0.00	$0.00
35	Prefinal Inspection	$250.00	$0.00	$250.00	$0.00	$0.00	$250.00	$250.00	100.00%	$0.00	$0.00
36	Substantial Completion	$1,000.00	$0.00	$1,000.00	$0.00	$0.00	$1,000.00	$1,000.00	100.00%	$0.00	$0.00
37	Punchlist Corrections	$500.00	$0.00	$500.00	$0.00	$0.00	$500.00	$500.00	100.00%	$0.00	$0.00
38	Closeout Documents	$500.00	$0.00	$500.00	$0.00	$0.00	$500.00	$500.00	100.00%	$0.00	$0.00
39	Final Inspection and Acceptance	$250.00	$0.00	$250.00	$0.00	$250.00	$0.00	$250.00	100.00%	$0.00	$0.00
Grand Total:		**$263,051.51**	**$0.00**	**$263,051.51**	**$87,074.52**	**$11,194.07**	**$164,782.92**	**$263,051.51**	**100.00%**	**$0.00**	**$0.00**

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Jesus Martinez, Support Services Director
Subject: Consider and Possible Board Action on Agreement with The City of El Paso Regarding Closed Point of Dispensing Immunizations or Treatment in Public Health Emergency
Date: January 18, 2023

HISTORY: In efforts to assist the City of El Paso in coordinating a large-scale immunization emergency event as a control measure for an outbreak of a communicable disease, SEISD would be provided with immunizations which district nursing staff would administer.

RATIONALE: It would benefit the San Elizario Independent School District and staff. In addition, SEISD would assist the City of El Paso with its large-scale immunization efforts.

BUDGET: San Elizario ISD would provide the location and nursing personnel to administer immunizations to staff. The City of El Paso would provide the necessary amount of vaccines.

ADMINISTRATIVE RECOMMENDATION: Administration recommends that the Board of Trustees approve the agreement as presented. The agreement has been reviewed by the district's legal counsel.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

STATE OF TEXAS	**)**	**Agreement Regarding**
	)	**Mass Prophylaxis Dispensing -**
COUNTY OF EL PASO	**)**	**Closed Point of Dispensing**
		(San Elizario Independent School District)

This Agreement ("Agreement") is entered into between the City of El Paso ("City"), a home rule Texas municipality, and the San Elizario Independent School District ("School District"), organized under the Texas Education Code, Chapter 11.

WHEREAS, under a grant from the Texas Department of State Health Services ("DSHS"), the City is required to plan and prepare for a public health emergency that may result from natural or man-made causes; and

WHEREAS, during such an emergency, it may be necessary to immunize or treat all or large numbers of people in the area served by the City; and

WHEREAS, prior public health experience with mass immunizations has shown that schools are well suited to this activity due to their location within the community and the facilities available to the schools; and

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions expressed hereinafter, be it known that the City and School District of the foregoing, the parties hereto agree as follows:

I. PURPOSE

To assist in effectively responding to declarations by the Texas Department of State Health Services or the local health authority that large scale immunization or treatment is necessary as a control measure for an outbreak of communicable disease, School District agrees to provide assistance to the City by making personnel and facilities available for the immunization or treatment of their staff and families.

II. OBLIGATIONS OF SCHOOL DISTRICT

School District accepts the following obligations:

a. To request vaccines according to the number of individuals to be vaccinated (employees, number of employee's immediate family members, contractors, etc.).

b. To assume responsibility for administering the vaccine (mass prophylaxis) to those individuals identified above by the School District's trained staff at the site chosen by the School District and with no liability assumed by the City.

c. To utilize pharmaceuticals in accordance with the policies and procedures outlined in the School District's own Mass Prophylaxis Prevention Plan including the number of people to receive

prophylaxis (employee population, number of family members, contractors, etc.) (to be provided to and kept on file with the City of El Paso's Department of Public Health).

d. To supply or arrange for all equipment, vaccine, supplies and personnel necessary to administer any vaccine or medication for the public health event/emergency.

e. To provide a designee with the authority to receive vaccinations from the City of El Paso Department of Public Health.

f. To provide regular updates to the City of El Paso Department of Public Health in regard to dispensing population, vaccination logistics and operations.

g. To train and educate all of the School District's staff that will be utilized in administering operations on School District's protocols and procedures.

h. To retrieve vaccines at the site chosen by the City and to provide security for said medication during transport.

i. To not charge any individuals for the administration of the vaccine provided through this Agreement.

j. To provide an emergency point of contact information to ensure timely notification of any events that may impact the operations.

k. To secure any unused vaccines and dispensing documentation until the time that a designee for the School District can receive and return to the City of El Paso Department of Public Health.

l. To compile and file an After Action Report (ARR) with the City of El Paso Department of Public Health identifying shortfalls and accomplishments of the operation.

III. OBLIGATIONS OF THE CITY

City accepts the following obligations:

a. To notify the School District of a mass prophylaxis activation determination by previously established channels.

b. To provide mass prophylaxis dispensing specific training/education opportunities to School District's staff that School District has identified for such activity.

c. To provide pre-public health event/emergency planning and technical assistance, including training exercises regarding how to properly develop and implement School District's mass prophylaxis dispensing plan, supply lists, POD layouts, fact sheets, dispensing algorithms, etc.

d. To ensure readiness of medication for pick up by School District.

e. To provide training on inventory management to staff designated by School District.

f. To provide School District with the medical protocols regarding dispensing activities including but not limited to, dosing, follow-up procedures and releasable information regarding the public health event /emergency.

g. To provide School District with consultation and assistance as needed and available for the given public health event/emergency.

h. To make arrangements for the receipt of any unused vaccines/ medication as well as copies of dispensing documentation from School District after termination of the public health event/emergency.

i. To provide technical assistance and consultation (After Action Report) to School District immediately after implementation of School District's mass prophylaxis dispensing plan to determine what did or did not work and how to improve said plan, to the extent that said technical assistance and consultation is available.

j. Compensation and Consideration**.** This Agreement does not obligate the City to purchase any items or to pay School District for the services described in this Agreement. The parties to this Agreement shall not exchange between each other goods or services for monetary remuneration.

IV. MUTUAL AGREEMENTS

The parties mutually agree as follows:

a. After accomplishing the development of a mass prophylaxis dispensing plan and after being successfully trained by the City on said plan implementation, School District would be considered a Closed POD, defined as an entity that does not dispense medications to the "general public" but only the School District's designated population to include employees and employees' immediate family members.

b. School District's participation is completely voluntary. School District may not be available to participate as a Closed POD during a public health event/emergency. Alternatively, the City may choose to not utilize School District as a Closed POD during a public health event/emergency. If School District is unavailable or if the City chooses to not utilize School District as a Closed POD, School District would not be considered a Closed POD. If not considered a Closed POD by the City, then School District's employees and employees' family would be required to attend a public/open POD operated by the City of El Paso's Department of Public Health and not be treated as or considered to be a Closed POD, despite the existence of this Agreement.

V. NO INDEMNIFICATION

The parties expressly agree that neither party shall have the right to seek indemnification or contribution from any other party for any losses, costs, expenses, or damages directly or indirectly arising, in whole or in part, from this Agreement.

VI. EFFECTIVE DATE, TERM, AND TERMINATION

a. The Effective Date of this Agreement shall be the last date appearing on the signature pages at the end of the Agreement.

b. This Agreement shall begin on the Effective Date and shall terminate five years from the Effective Date unless terminated earlier in accordance with paragraph 6 (c) below.

c. This Agreement may be terminated by either party after thirty (30) days written notice to the other party, via certified mail, return receipt requested.

VII. NOTICES

All notices, communications, and reports under this Agreement shall be either hand delivered, faxed or mailed, postage prepaid in the United States Postal Service, to the respective parties at the respective addresses shown below, unless and until either party is otherwise notified in writing:

CITY	City of El Paso Attn: City Manager P.O. Box 1890 El Paso, TX 79950-1890 Telephone: 915-212-0033
COPY TO	City of El Paso Department of Public Health Director 5115 El Paso Drive El Paso, Texas 79905-2818 Telephone: 915-212-6502 Fax: 915-212-0167
SCHOOL DISTRICT	San Elizario Independent School ATTN: Jeannie Meza-Chavez P.O. Box 920 San Elizario, Texas 79849 Telephone: (915) 872-3900 Fax: (915) 872-3903

VIII. HIPAA

The confidentiality of each patient's protected health information will be maintained and secured as mandated by the Health Insurance Portability and Accountability Act (HIPAA).

IV. MISCELLANEOUS PROVISIONS

a. Jurisdiction and Venue. This Agreement shall be governed and construed under the laws

of Texas. Venue shall be in El Paso County, Texas.

b. Severability. All agreements, covenants, or provisions contained herein are severable, and in the event any of them shall be held to be invalid by any court of competent jurisdiction, this shall be interpreted as though such invalid agreement, covenant, or provision were not contained herein.

c. Assignment. The parties may not assign the obligations or rights under this Agreement to any person or entity without the prior written consent of the other party. Any attempt to assign this Agreement without the consent of the City shall be considered an event of default and may be grounds to terminate the Agreement.

d. Independent Contractors. The parties are each independent contractors. No partnership, joint venture, or joint enterprise is intended to be created by this Agreement, nor any principal, agent, or employer/employee relationship. Neither party has, and neither party shall attempt to assert, the authority to make commitments for or to bind the other party to any obligation.

e. Entire Contract; Counterparts. The Agreement constitutes the entire contract between City and School District regarding the services to be provided. Any agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force or effect. This Agreement may be executed in any number of counterparts, each of which will be deemed to be the original but all of which shall constitute one and the same document.

f. Amendment. No amendment or modification to this Agreement or any provision of this Agreement shall be effective unless in writing and agreed to by both parties.

g. Governmental Function. The parties expressly agree that, in all things relating to this Agreement, the City and School District are performing governmental functions, as defined by the Texas Tort Claims Act. The parties further expressly agree that every act or omission of the City or of School District that, in any way, pertains to or arises out of this Agreement falls within the definition of a governmental function.

h. Compliance with Laws. The parties acknowledge that each is subject to applicable federal and state laws and regulations, and policies and requirements of various accrediting organizations. Accordingly, each party will enforce compliance with all applicable laws, regulations, and requirements and will make available such information and records as may be reasonably requested in writing by the other party to facilitate its compliance, except for records that are confidential and privileged by law.

i. Headings. The headings of sections and subsections of this Agreement are for reference only and will not affect in any way the meaning or interpretation of this Agreement.

j. Merger. This Agreement reflects the final, complete, and exclusive understanding of the parties, and may not be waived, altered, or modified except by written agreement of the parties.

(Signature pages follow.)

Signature page for the City of El Paso, Agreement Regarding Mass Prophylaxis Dispensing Closed Point of Dispensing between City of El Paso and School District.

APPROVED on this the_____day of_____, 2023,

CITY OF EL PASO

_____
Tomás González
City Manager

APPROVED AS TO FORM:

_____
Evy A. Sotelo
Assistant City Attorney

APPROVED AS TO CONTENT:

_____
Dr. Hector I. Ocaranza, Interim Director
Department of Public Health

(School District's signature page on following page.)

Signature page for School District, Agreement Regarding Mass Prophylaxis Dispensing Closed Point of Dispensing between City of El Paso and School District.

APPROVED on this the_____day of_____, **2023.**

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

_____
Printed Name: Jeannie Meza-Chavez
Title: Superintendent

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Rogelio Segovia, Associate Superintendent
Subject: Memorandum of Agreement between the San Elizario ISD and the Boys & Girls Clubs of El Paso
Date: January 18, 2023

HISTORY:

The Boys & Girls Clubs of El Paso (BGCEP) has been awarded the federal Nita M. Lowey 21st Century Community Learning Centers grant funds from the Texas Education Agency to provide Texas Afterschool Centers for students in Lorenzo G. Alarcon Elementary, Alfonso G. Borrego Elementary, Josefa Sambrano Elementary and Ann M. Enriquez, Middle School. The afterschool center is intended to improve the academic performance of participating students in core academic subjects, such as reading and math, and offer students a broad array of enrichment activities (MOA, 2022).

RATIONALE:

The BGCEP wills serve approximately 245 students, with each child completing sixty days or more of attendance. The children are identified and recruited through coordinated consultation with SEISD Leadership.

BUDGET:

All costs are covered by the Nita M. Lowey 21st Century Community Learning Centers grant. The SEISD will commit to provide the facilities to operate the program.

ADMINISTRATIVE RECOMMENDATION:

It is the administrative recommendation that the Board of Trustees approve the Memorandum of Agreement between the SEISD and the BGCEP to start the afterschool centers for the 2023 – 2024 school year.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

BOYS & GIRLS CLUBS OF EL PASO

Memorandum of Agreement

This Memorandum of Agreement (Agreement) is entered effective July 1, 2023, through July 31, 2024, between the San Elizario Independent School District (SEISD) and the Boys & Girls Clubs of El Paso (BGCEP), collectively "Parties."

Whereas, BGCEP has been awarded the federal Nita M. Lowey 21st Century Community Learning Centers (21st CCLC) grant funds from the Texas Education Agency (TEA) to provide Texas Afterschool Centers on Education (Texas ACE) afterschool programs for students in three SEISD elementary schools and one middle school;

Whereas, this funding will establish community learning centers that provide academic enrichment opportunities during afterschool hours; and

Whereas, BGCEP will serve 245 or more children, with each child completing sixty days or more of attendance. BGCEP will identify and recruit children through coordinated consultation with SEISD leadership, with SEISD staff and coordinate outreach for parents;

NOW THEREFORE, in consideration of the mutual promises herein contained, the Parties agree as follows:

I. Scope of Work:

The BGCEP afterschool program at SEISD is intended to improve the academic performance of participating students in core academic subjects, such as reading and math, and offer students a broad array of enrichment activities that complement their regular academic programs. BGCEP will provide services at the following school sites:

- Lorenzo G. Alarcon Elementary School
- Alfonso G. Borrego, Sr. Elementary School
- Josefa Sambrano Elementary School
- Ann M. Enriquez-Garcia Middle School

BGCEP will provide services at each of these locations Monday through Friday. The hours of operation will be from 3:00 P.M. – 6:00 P.M. at the elementary schools and 4:00 P.M. – 7:00 P.M. at the middle school. SEISD will provide bussing for children in need of transportation from the sites back to their homes at a cost reimbursable through this grant. Parents will also be made aware of their responsibility to arrange child transportation from program sites.

SEISD agrees to:

- Provide workspace for the BGCEP program, determined by mutual verbal agreement between BGCEP staff and school principal and approved by the Assistant Superintendent of Elementary Schools.
- Provide an SEISD point of contact to facilitate program implementation and operation.
- Allow BGCEP to provide a summer component program at one or more SEISD campuses or a BGCEP location. SEISD and BGCEP will determine the location of the summer program a minimum of forty-days prior to the program.

801 S. Florence • El Paso, Texas • 79901 • Tel: 915-532-7410

- Provide grade, attendance, STAAR scores, and discipline information for students enrolled in the 21st CCLC afterschool program required for grant reporting, ensuring data sharing adheres to all FERPA guidelines and applicable law. SEISD will release STAAR scores for the 2022-3 school year.
- Work with BGCEP and University of Texas at El Paso (UTEP) student tutors to align student interventions with SEISD curriculum and academic goals.
- Provide monthly activity reports for SEISD staff providing operational support to the BGCEP staff or program, detailing specific work and time spent on BGCEP program-specific needs or grant requirements.

BGCEP 21st CCLC Staff agree to:

- Provide grant administration and monitoring for 21st CCLC grant.
- Implement and administer the BGCEP program within the guidelines set forth by TEA.
- Provide ongoing communication related to program progress with SEISD and all partners.
- Obtain current parent consent forms for all participating students in BGCEP program for the purpose of releasing student data necessary for grant compliance.
- Manage any elevated disciplinary issues with participating students and staff.
- Provide administrative oversight to ensure shared space is cared for appropriately.
- Prepare performance reports for TEA and provide data to campus administration for evaluation and feedback.
- Submit a budget to TEA to include indirect funding for SEISD program support staff; indirect funding may include funding for facility usage, cleaning, maintenance, supplies or equipment as SEISD deems necessary to allow the execution of the BGCEP program at designated SEISD sites.

BGCEP agrees to obtain from Creative Kids the following:

- Provide fine arts programming that integrates with academics to a total of 70 children, serving each of the four program sites.
- Provide art-based curriculum that will reinforce academic concepts, such as reading, science and math.

BGCEP agrees to obtain from Kids Excel El Paso, Inc. the following:

- Provide a dance program for 40 students using the award-winning National Dance Institute teaching methodology, serving the elementary program sites.
- Align dance-based curriculum with SEISD Social Emotional Learning (SEL) Initiative.

BGCEP further agrees that:

Implementation and operation of this program may not conflict, compete or interfere with any established SEISD program or partnership program. BGCEP shall ensure all program staff, including tutors and students from UTEP, as well as program staff from Creative Kids and Kids Excel El Paso, Inc., shall comply with background check and other requirements pursuant to the Texas Education Code, SEISD Policies, and other applicable law before working on SEISD campuses and must display identification badges at all times. BGCEP shall certify that criminal background search records have been completed and that no employees, program staff, or subcontractors/third parties have been convicted of a felony, or misdemeanor involving moral turpitude, or of any crime involving harm to a child. The criminal background checks must be performed before any new employee, program staff, or

subcontractor/third party is permitted to enter SEISD property and at least annually for all such individuals providing services under this Agreement. BGCEP shall provide SEISD with copies of said criminal background checks within twenty-four (24) hours of written demand. SEISD shall be the final arbiter of what constitutes a location where students are regularly present.

BGCEP agrees any student release or consent forms used must be current and approved by SEISD.

The Parties further agree: To follow the guidelines as set by TEA and this Agreement.

II. Term and Termination

1. This Agreement will begin on July 1, 2023 and shall continue in full force for the 2023-24 school year through July 31, 2024 subject to any limitation set forth herein, unless terminated in accordance with this section. This Agreement may be extended beyond the original term by mutual Agreement signed by both Parties.
2. Termination:
    a. Either party may, without penalty, terminate this Agreement at the end of any budget year of such party during the term of the Agreement if funds required to fulfill this Agreement have not been appropriated, and with written notice to the other party. Such notice shall be effective thirty (30) calendar days from the date of receipt.
    b. This Agreement may be terminated by mutual written agreement of the Parties upon such terms as agreed.

III. Contractual Relationship

Nothing contained herein shall be construed as creating an employer/employee relationship, a partnership, a joint venture, or joint obligations between the parties hereto. Each party retains the right to conduct its businesses as it sees fit. BGCEP shall, at all times, be deemed an independent contractor.

IV. Reservation of Rights and Immunity

Nothing herein or in the performance of this Agreement shall be construed as a waiver of sovereign/governmental immunity or similar rights. SEISD does not waive any immunity or defense that would otherwise be available to it pursuant to the Texas Tort Claims Act or other applicable statutes, laws or regulations against claims arising from the exercise of its power or functions. No provision of this Agreement that imposes an obligation or restriction on SEISD not permitted by applicable law shall be enforceable. Records relating to this Agreement may be subject to disclosure pursuant to the Texas Public Information Act, Section 552.001 et. seq. of the Texas Government Code.

V. General Provisions

1. Disputes: If any dispute concerning any fact, interpretation, allowable costs, etc. arise during performance of this Agreement, reasonable efforts shall be made to resolve said dispute(s) through informal discussions between the Parties.

2. Amendment and Assignment: Any changes to this Agreement may only be made by mutual written agreement of the Parties. This Agreement may not be assigned by either party to the Agreement without the express written consent of the other party. Any attempt to assign without such consent shall be void and shall be deemed a material breach of this Agreement.

3. Entire Agreement: This Agreement and any subsequent amendments constitute the entire and only agreement between the Parties relating to the matters described herein, and supersedes all prior agreements and discussion, whether written or oral. Unless expressly stated, this Agreement confers no rights on any person(s) or business (entity(s) that is not a party hereto.

4. Notice to Parties: Any notice required by this Agreement shall be given by prepaid first-class certified mail, return receipt requested to:

SEISD at: San Elizario Independent School District
Attn: _____
1050 Chicken Ranch Rd.
San Elizario, TX 79849

BGCEP at: Boys & Girls Clubs of El Paso
Attn: Anthony Tomasheski
801 S. Florence
El Paso, Texas 79901

5. Applicable Law and Venue: This Agreement shall be construed and enforced in accordance with the laws of the State of Texas, as well as any applicable federal law and policy of SEISD. If any legal action or dispute resolution is necessary to enforce the terms of this Agreement, exclusive venue shall lie in El Paso County, Texas. Further, and for any project that is in whole or in part funded through the Federal government, the applicable program or appropriation statute(s), federal agency regulations, and Circulars of the U.S. Office of Management and Budget shall apply.

6. **Indemnification: BGCEP agrees to indemnify, defend, and hold harmless SEISD and its trustees, officers, agents, representatives and employees (collectively, the "Indemnified Parties") from and against, any and all claims, causes of actions, liability, lawsuits, judgments, costs, liens, losses, expenses, liability and suits of any kind and nature, including but not limited to, personal injury (including death), property damage, or other harm for which recovery of damages is sought that may arise out of or be occasioned or caused by BGCEP's negligent or intentional act, error, or omission, or that of any agent officer, representative, employee, or sub-consultant of BGCEP (collectively "BGCEP Affiliate") while in the exercise of performance of the rights or duties under this Agreement.** The indemnity provided for in this paragraph shall not apply to any liability resulting from the negligence of the Indemnified Parties, in instances where such negligence causes personal injury, death, or property damage. In the event BGCEP and/or a BGCEP Affiliate and any Indemnified Party are found jointly liable by a Court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to SEISD, its employees/officials under the Texas Tort Claims Act or other Texas law. BGCEP shall promptly advise SEISD, in writing, of any claim or demand against an Indemnified Party, BGCEP and/or BGCEP Affiliated under this Agreement. The provisions of this Section are solely for the benefit of the Parties hereto and not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

7. Binding Effect: This Agreement, and every provision thereof, shall be binding upon and shall inure to the benefit of the Parties and their respective successors and permitted assigns.

8. No Waiver: The consent or waiver, express or implied, by a party to a breach of any provision, or the failure, or apparent failure, of either party at any time to require performance by the other of any

provision of this Agreement, shall in no way affect the right of such party to require performance of that provision or any other provision of this Agreement.

9. Mutual Negotiation: This Agreement has been prepared at the joint request, direction, and construction of the Parties, at arms' length, and shall be construed without favor to any party.

10. Contract Language: Wherever the context shall require, the singular shall include the plural and the female gender shall include the male, the neuter, and vice versa. This Agreement may be executed in original or facsimile signatures, in multiple counterparts. The headings, captions, and arrangements used in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.

11. Severability: All agreements and covenants contained in this Agreement are severable. Any provision, or part thereof, of this Agreement held by a court of competent jurisdiction to be illegal, invalid, or unenforceable shall not impair or invalidate the remainder of this Agreement and the effect thereof shall be confined to the provision, or part thereof, so held to be illegal, invalid, or unenforceable. In lieu of any provision so held, there will be added a provision that preserves the intention of the unenforceable provision and complies with the law.

12. Warrant of Capacity to Execute Contract: The person signing this Agreement on behalf of each party warrants that he/she has the authority to do so and to bind their respective party to this Agreement.

13. Survival: A party shall remain obligated to the other party under all clauses of this Agreement that expressly or by their nature extend beyond the expiration or termination of this Agreement.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duty-authorized representatives.

_____	_____
Dr. Jeannie Meza-Chavez, Superintendent San Elizario Independent School District	Anthony Tomasheski, Chief Executive Officer Boys & Girls Clubs of El Paso
_____	_____
Date	Date

Approved to form:

_____
_____, SEISD General Counsel

801 S. Florence • El Paso, Texas • 79901 • Tel: 915-532-7410

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Sandra Sanchez, CTE Administrator
Subject: Innovation Course - Internetworking Technologies II
Date: January 18, 2023

HISTORY: San Elizario High School currently provides Level 2 - Internetworking Technologies I. There is currently a gap between Level 2 and Level 4 courses making the learning comprehension more difficult for the students. Level 2 begins with the introduction to Networks (CCNA 1) and the start of CISCO CCNA R&S: Routing and Switching Essentials (CCNA 2).

RATIONALE: In implementing a Level 3 – Internetworking Technologies II, this will allow the students expand in their knowledge into CISCO CCNA R&S: Scaling Networks (CCNA 3) and CISCO CCNA R&S: Connecting Networks (CCNA 4). Closing that knowledge gap that they are missing.

BUDGET: None

ADMINISTRATIVE RECOMMENDATION: The Administration recommends that the Level 3 – Internetworking Technologies II, be approved to be implemented into the Networking Systems Program of Study.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Approved Innovative Course

- *Districts must have local board approval to implement innovative courses*
- *Innovative courses may meet state elective credit only*
- *CTE Innovative courses may not be the final course in a coherent sequence for an endorsement*
- *Course requirements must be met without modification*

Course: Internetworking Technologies II
PEIMS Code: N1302804
Abbreviation: INTNET2
Grade Level(s): 10-12
Number of Credits: 1.0

Course description:

The Internetworking Technologies *2* course is normally comprised of the courses called Cisco CCNA R&S: *Scaling Networks* (CCNA *3*) and Cisco CCNA R&S: *Connecting Networks* (*CCNA 4)* The *CCNA 3* course covers the architecture, components, and operations of routers and switches in larger and more complex networks. Students learn how to configure routers and switches for advanced functionality. The CCNA 4 course discusses the Wide Area Network (WAN) technologies and network services required by converged applications in a complex network. The course enables students to understand the selection criteria of network devices and WAN technologies to meet network requirements.

Essential knowledge and skills:

(a) General requirements. This course is recommended for students in Grades 10-12. Required prerequisite: Internetworking Technologies I

(b) Introduction:

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.

(3) In Internetworking Technologies II, students will obtain the necessary skills to compete in the global economy. Students will learn hands-on technical skills to help them prepare for IT careers as well as post-secondary IT-related degrees. This course provides students with practical skills in networking.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and Skills.

(1) The student demonstrates the necessary skills for career development, maintenance of employability, and successful completion of course outcomes. The student is expected to:

(A) identify and demonstrate positive work behaviors that enhance employability and job advancement such as regular attendance, promptness, attention to proper attire, maintenance of a clean and safe work environment, appropriate voice, and pride in work;

(B) identify and demonstrate positive personal qualities such as flexibility, open-mindedness, initiative, listening attentively to speakers, and willingness to learn new knowledge and skills;

(C) employ effective reading and writing skills;

(D) solve problems and think critically;

(E) demonstrate leadership skills and function effectively as a team member;

(F) identify and implement proper safety procedures;

(G) demonstrate an understanding of legal and ethical responsibilities in relation to the field of information technology; and

(H) demonstrate planning and time-management skills.

(2) The student identifies various employment opportunities in the information technology field. The student is expected to:

(A) improve on a personal career plan along with education, job skills, and experience necessary to achieve career goals;

(B) update or develop a resume and/or portfolio appropriate to chosen career plan, including letters of recommendation; and

(C) illustrate interview skills for successful job placement.

(3) The student applies communication, mathematics, English language arts, and science knowledge and skills to research and develop projects. The student is expected to:

(A) demonstrate proper use of written, verbal, and visual communication techniques consistent with networking industry standards;

(B) demonstrate proper use of mathematics concepts in the development of networking technologies;

(C) demonstrate proper use of science principles in the development of networking technologies.

(4) The student configures, verifies, and troubleshoots advanced switching. The student is expected to:

(A) describe enhanced switching technologies;

(B) configure, verify, and troubleshoot Spanning Tree versions;

(C) interpret the output of various show and debug commands to verify the operational status of a Cisco switched network; and

(D) implement basic switch security.

(5) The student configures, verifies, and troubleshoots advanced routing. The student is expected to:

(A) compare and contrast advanced routing protocols Enhanced Interior Gateway Routing Protocol (EIGRP) and Open Shortest Path First (OSPF);

(B) configure, verify, and troubleshoot routing protocols;

(C) troubleshoot routing implementation issues;

(D) verify router hardware and software operation using SHOW & DEBUG commands;

(E) manage Internetwork Operating System (IOS) files and licensing; and implement router security.

(6) The student implements and verifies Wide Area Network (WAN) links. The student is expected to:

(A) describe different methods for connecting to a WAN;

(B) configure and verify a basic WAN serial connection;

(C) configure and verify Point-to-Point Protocol (PPP);

(D) configure and verify Frame Relay; and

(E) implement and troubleshoot Point-to-Point Protocol over Ethernet (PPPoE).

(7) The student troubleshoots switching and routing networks. the student is expected to:

(A) analyze and implement proper troubleshooting methods;

(B) identify and correct switching and routing network problems;

(C) identify and select software troubleshooting tools;

(D) identify and correct routing protocol issues; and

(E) identify and correct WAN issues.

Description of specific student needs this course is designed to meet:

The CCNA Routing and Switching curriculum is a gateway to entry-level networking jobs and IT careers. The curriculum consists of 2, 70-hour courses: Scaling Networks and Connecting Networks. These 2 courses prepare you for the Cisco ICND2 certification exam. Both the Internetworking Technologies 1 and Internetworking Technologies 2 courses are recommended before taking the Cisco CCNA Routing and Switching certification exam.

The CCNA Routing & Switching curriculum helps students develop workforce readiness skills and builds a foundation for success in networking-related careers and degree programs.

Major resources and materials:

Cisco Networking Academy
https://netacad.com
The Cisco Learning Network
https://learningnetwork.cisco.com

Recommended course activities:

All resources and materials are available from Cisco and Cisco Learning through the Cisco Networking Academy at http://netacad.com. All activities including: curriculum,

hands-on labs, tests, Packet Tracer labs, study guides, and reviews are available to all instructors and students.

Suggested methods for evaluating student outcomes:

Chapter tests, quizzes, worksheets, hands-on labs, and Packet Tracer labs are available for every chapter throughout the curriculum. At the completion of this course, students may be prepared to take the Cisco CCNA (ICND2) certification exam.

Teacher qualifications:

An assignment for Internetworking Technologies I or II is allowed with one of the following certificates.

(1) Any business or office education certificate.

(2) Business and Finance: Grades 6-12.

(3) Business Education: Grades 6-12.

(4) Secondary Industrial Arts (Grades 6-12).

(5) Secondary Industrial Technology (Grades 6-12).

(6) Technology Education: Grades 6-12.

(7) Technology Applications: Early Childhood-Grade 12.

(8) Technology Applications: Grades 8-12.

(9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(11) Vocational Trades and Industry. This assignment requires appropriate work approval.

(12) Computer Science: Grades 8-12.

(13) Secondary Computer Information Systems (Grades 6-12)

Additional information:

Approved Innovative Course

- *Districts must have local board approval to implement innovative courses*
- *Innovative courses may meet state elective credit only*
- *CTE Innovative courses may not be the final course in a coherent sequence for an endorsement*
- *Course requirements must be met without modification*

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Sandra Sanchez, CTE Administrator
Subject: Computer Maintenance/Lab Course TEKS
Date: January 18, 2023

HISTORY: San Elizario High School currently provides a Computer Maintenance course with a lab. After reaching out to TEA and gathering more information, TEA stated that it could be a local decision, as long as the TEKS are covered to be in compliance with the part of the TEKS that states, "The student applies the concepts and skills of the trade in simulated work situations." This will replace the work-based learning portion of the TEKS to provide the student a real-life experience outside of the classroom.

RATIONALE: Implementing Computer Maintenance/Lab as an internship will provide our students 2 years of internship experience instead of 1 year of simulated work situations. The Computer Maintenance/Lab students will be enrolled as juniors and the TEKS will be covered through the internship and classroom time. For the second year, the students will continue their internship and be enrolled into the Practicum of Information Technology their senior year. This change will allow the students to receive 2 years of work experience instead of one. The students will conduct their internship with the IT Department of SEISD. This will also ensure that they will be completers of their endorsement at a Level 4 for accountability.

BUDGET: None

ADMINISTRATIVE RECOMMENDATION: The Administration recommends the Computer Maintenance/Lab course be approved to receive the concepts and skills of the trade simulated work situation through real-life internship to receive the experience in Networking Systems.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Texas Administrative Code

TITLE 19	EDUCATION
PART 2	TEXAS EDUCATION AGENCY
CHAPTER 130	TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR CAREER AND TECHNICAL EDUCATION
SUBCHAPTER K	INFORMATION TECHNOLOGY
RULE §130.304	Computer Maintenance Lab (One Credit), Adopted 2015

(a) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Information Technology. Corequisite: Computer Maintenance. This course must be taken concurrently with Computer Maintenance and may not be taken as a stand-alone course. Districts are encouraged to offer this course in a consecutive block with Computer Maintenance to allow students sufficient time to master the content of both courses. Students shall be awarded one credit for successful completion of this course.

(b) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.

(3) In Computer Maintenance Lab, students will acquire knowledge of computer maintenance and creating appropriate documentation. Students will analyze the social responsibility of business and industry regarding the significant issues relating to the environment, ethics, health, safety, and diversity in society and in the workplace as related to computer maintenance. Students will apply technical skills to address the IT industry and emerging technologies.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) demonstrate work behaviors that enhance employability and job advancement such as regular attendance, promptness, attention to proper attire, maintenance of a clean and safe work environment, appropriate voice, and pride in work;

(B) demonstrate positive personal qualities such as flexibility, open mindedness, initiative, listening attentively to speakers, and willingness to learn new skills;

(C) employ effective reading and writing skills;

(D) employ effective verbal and nonverbal communication skills;

(E) solve problems and think critically;

(F) demonstrate leadership skills and function effectively as a team member;

(G) identify and implement proper safety procedures;

(H) demonstrate an understanding of legal and ethical responsibilities in relation to the field of IT; and

(I) demonstrate planning and time-management skills such as project management, including initiating, planning, executing, monitoring and controlling, and closing a project.

(2) The student applies academic skills to the requirements of computer technologies. The student is expected to:

(A) complete work orders for repair and installation;

(B) estimate supplies, materials, and labor costs for installation, maintenance, and repair work orders; and

(C) locate and interpret appropriate documentation such as schematics, drawings, charts, diagrams, technical manuals, and bulletins.

(3) The student demonstrates the proper function and application of the tools, equipment, and materials used in computer technologies. The student is expected to:

(A) demonstrate safe use of equipment in computer technologies such as hand and power tools;

(B) employ available reference documentation such as tools, materials, and Internet sources to access information as needed;

(C) demonstrate proper handling and disposal of environmentally hazardous materials used in computer technologies; and

(D) research new and emerging technologies that may affect the field of computer technology.

(4) The student applies the concepts and skills of the trade in simulated work situations. The student is expected to:

(A) use electronic test equipment to measure current, voltage, power, and resistance;

(B) describe digital circuits and bus design;

(C) demonstrate the operational features and proper terminology related to computer systems;

(D) demonstrate proper usage of the various components of a computer system such as the central processor, basic input and output system, read-only memory, and random access memory; and

(E) troubleshoot computer peripheral devices.

(5) The student uses hardware design, operation, and maintenance knowledge and skills to identify major computer components. The student is expected to:

(A) assemble and install a basic computer system; and

(B) install and configure computer components such as printers and other peripherals.

(6) The student uses troubleshooting skills to solve client problems. The student is expected to:

(A) diagnose error messages and symptoms of hardware failures;

(B) research and identify interrupt sequences and beep codes;

(C) identify priorities and interrupts at the system level;

(D) test a system using diagnostic tools and software;

(E) diagnose problems in operating systems;

(F) differentiate between hardware and software failure;

(G) update Basic Input/Output System (BIOS);

(H) demonstrate hard drive maintenance procedures such as defrag scan and clear caches;

(I) gather information from the user;

(J) repair malfunctioning hardware systems;

(K) reinstall software as needed;

(L) demonstrate system backup and recovery;

(M) restore a system to various states such as safe modes and previous;

(N) demonstrate knowledge of operating system design such as operation and maintenance; and

(O) apply knowledge of operating system design to perform information support and service tasks of different operating systems.

(7) The student installs and configures software programs and updates IT systems. The student is expected to:

(A) evaluate application software packages and test the functionality of a proposed software configuration;

(B) verify software is properly licensed prior to installation;

(C) install application and systems software using available resources as needed;

(D) resolve problems with installation if any occur such as recovery from system error;

(E) perform software customization as requested;

(F) document all procedures; and

(G) install and maintain security software.

(8) The student installs, configures, and verifies active network connection. The student is expected to:

(A) demonstrate an understanding of network connection and interface requirements;

(B) install and configure a computer on a network; and

(C) verify and troubleshoot network connectivity.

(9) The student provides support to computer users to maintain service. The student is expected to:

(A) develop a written disaster recovery plan; and

(B) develop a written preventive maintenance plan.

Source Note: The provisions of this §130.304 adopted to be effective August 28, 2017, 40 TexReg 9123

Texas Administrative Code

TITLE 19	EDUCATION
PART 2	TEXAS EDUCATION AGENCY
CHAPTER 130	TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR CAREER AND TECHNICAL EDUCATION
SUBCHAPTER K	INFORMATION TECHNOLOGY
RULE §130.303	Computer Maintenance (One Credit), Adopted 2015

(a) General requirements. This course is recommended for students in Grades 10-12. Recommended prerequisite: Principles of Information Technology. Recommended corequisite: Computer Maintenance Lab. Students shall be awarded one credit for successful completion of this course.

(b) Introduction.

(1) Career and technical education instruction provides content aligned with challenging academic standards and relevant technical knowledge and skills for students to further their education and succeed in current or emerging professions.

(2) The Information Technology (IT) Career Cluster focuses on building linkages in IT occupations for entry level, technical, and professional careers related to the design, development, support, and management of hardware, software, multimedia, and systems integration services.

(3) In Computer Maintenance, students will acquire knowledge of computer maintenance and creating appropriate documentation. Students will analyze the social responsibility of business and industry regarding the significant issues relating to the environment, ethics, health, safety, and diversity in society and in the workplace as related to computer maintenance. Students will apply technical skills to address the IT industry and emerging technologies.

(4) Students are encouraged to participate in extended learning experiences such as career and technical student organizations and other leadership or extracurricular organizations.

(5) Statements that contain the word "including" reference content that must be mastered, while those containing the phrase "such as" are intended as possible illustrative examples.

(c) Knowledge and skills.

(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:

(A) employ effective reading and writing skills;

(B) employ effective verbal and nonverbal communication skills;

(C) solve problems and think critically;

(D) demonstrate leadership skills and function effectively as a team member;

(E) identify and implement proper safety procedures;

(F) demonstrate an understanding of legal and ethical responsibilities in relation to the field of IT; and

(G) demonstrate planning and time-management skills such as project management, including initiating, planning, executing, monitoring and controlling, and closing a project.

(2) The student identifies various employment opportunities in the IT field. The student is expected to:

(A) identify job opportunities and accompanying job duties and tasks; and

(B) examine the role of certifications, resumes, and portfolios in the IT profession.

(3) The student applies academic skills to the requirements of computer technologies. The student is expected to:

(A) demonstrate effective verbal and written communication skills with individuals from varied cultures such as fellow workers, management, and customers; and

(B) interpret appropriate documentation such as schematics, drawings, charts, diagrams, technical manuals, and bulletins.

(4) The student acquires an understanding of computer hardware technologies. The student is expected to:

(A) explain the fundamentals of microprocessor theory;

(B) define the use of Boolean and Binary logic in computer technologies;

(C) explain the theories of magnetism, electricity, and electronics as related to computer technologies;

(D) explain proper troubleshooting techniques as related to computer hardware;

(E) differentiate among digital and analog input and output electronics theory;

(F) explain the relationships relative to data-communications theory;

(G) describe the architecture of various computer systems;

(H) describe the function of computer components such as central processing units, storage devices, and peripheral devices;

(I) explain computer system environmental requirements and related control devices; and

(J) identify new and emerging technologies that may affect the field of computer technology.

(5) The student uses hardware design, operation, and maintenance knowledge and skills to identify major computer components. The student is expected to:

(A) identify the purpose and function of computer components in the operation of the computer system such as central processing unit, mother board, sockets, chipsets, basic input and output system and their drivers, memory, hard drive technologies, video cards, input and output devices and ports, and modem and network interface cards (NIC);

(B) identify how mobile devices such as personal data assistants and cell phones operate;

(C) identify how mobile devices such as personal data assistants and cell phones connect and share data;

(D) demonstrate an understanding of the rationale behind error messages and symptoms of hardware failures;

(E) research interrupt sequences and beep codes; and

(F) identify priorities and interrupts at the system level.

(6) The student acquires knowledge of operating system design, including operation and maintenance. The student is expected to:

(A) explain the fundamentals of an operating system;

(B) compare and contrast different operating systems; and

(C) identify the operating systems of mobile devices.

(7) The student acquires knowledge of the theory behind the installation, configuration of software programs, and updates in IT systems. The student is expected to:

(A) identify the operational features and proper terminology related to computer software systems;

(B) evaluate application software packages;

(C) verify that software is properly licensed prior to installation;

(D) differentiate between types of software such as Software as a Service, single-user, per-seat, enterprise, freeware, shareware, and open-source licensing; and

(E) explain proper troubleshooting techniques related to computer software.

(8) The student acquires knowledge of the installation and configuration of network connections. The student is expected to:

(A) explain the fundamentals of network connections and interface requirements;

(B) explain the steps required to install and configure a computer on a network; and

(C) identify the steps to troubleshoot network connectivity.

Source Note: The provisions of this §130.303 adopted to be effective August 28, 2017, 40 TexReg 9123

Bullock, Jennifer <Jennifer.Bullock@tea.texas.gov>
To Sanchez, Sandra

Reply | Reply All | Forward | ...
Thu 11/3/2022 11:52 AM

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

Greetings Ms. Sanchez,

You are correct the TEKS do not specially state that the student has to be in an internship. Here is one piece of the TEKS to foster that argument:

The student applies the concepts and skills of the trade in simulated work situations. The student is expected to:

(A) use electronic test equipment to measure current, voltage, power, and resistance;
(B) describe digital circuits and bus design;
(C) demonstrate the operational features and proper terminology related to computer systems;
(D) demonstrate proper usage of the various components of a computer system such as the central processor, basic input and output system, read-only memory, and random access memory; and
(E) troubleshoot computer peripheral devices.

It could be a local decision at a school district in how to satisfy the TEKS. However, the practicums are the usual course where working/job shadowing/internships apply and training plans and other requirements need to be met. However, I believe as long as the TEKS are covered a school district can decide how to implement them.

Regards,

Jennifer Bullock
CTE Statewide Coordinator
STEM, Manufacturing, and Information Technology
School Programs/College, Career, and Military Preparation
512-475-4965
Jennifer.Bullock@TEA.Texas.gov
Career and Technical Education
Texas Education Agency

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Blanca I. Cruz, Director of Human Resources
Subject: COVID- 19 School Health Support Grant - Addition of Stipend
Date: January 18, 2023

HISTORY: The district has been awarded funds for a COVID- 19 School Health Support Grant. The grant period is from January 2023 – March 2023.

RATIONALE: Due to grant-related activities, a need exists to assign an individual to coordinate the allowable activities under the grant. The grant committee is requesting that a stipend be paid to the individual that will be responsible for carrying out these activities. If approved, the stipend will be paid with grant funds.

Please refer to the attached memo provided by Ms. Bea Apodaca, Coordinator of State and Federal Programs.

BUDGET: $3,000 Grant Funded **(**$1,000 per month from January 2023 – March 2023).

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to approve the stipend amount in the amount of $3,000 to be paid retroactively.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Department of Finance
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

Memorandum

Date: January 18, 2023

From: Mrs. Bea Apodaca, Federal & Special Programs Coordinator

To: Mrs. Blanca Cruz, Director of Human Resources.

Subject: Proposal Memorandum

The purpose of this memorandum is to present Mrs. Messina Holguin with a three-month stipend under the 2022-2023 COVID -19 School Health Support Grant. Under this grant, she will coordinate with the district nurses and organize the public health events required. She will also work after hours, providing COVID-19 vaccines to district employees and community members and providing data reporting by the grant. The estimated stipend amount is $1,000 for three month grant period.

With this, we will cover two of the allowable activities under the grant, which are:

1. Testing events that may also involve other mitigation activities (e.g., promotion of vaccination) to limit the spread of COVID-19

2. Partial funding for staff conducting additional grant-related duties that are outside of the staff's everyday activities, including screening testing, COVID prevention programs, or grant reporting

If the grant is awarded to our district, this grant will be only for three months next semester, January, February, and March 2023. Let me know if you have any questions or concerns.

Thank you,

Instruction Sheet

TASB Localized Policy Manual Update 120

San Elizario ISD

Code	Type	Action To Be Taken	Note
AIC	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
BBD	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
CB	(LOCAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CFA	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CKB	(LEGAL)	Replace policy	Revised policy
CKC	(LOCAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRD	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHAB	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAE	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EIE	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
FB	(LEGAL)	Replace policy	Revised policy
FFA	(LEGAL)	Replace policy	Revised policy
FFAE	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFI	(LOCAL)	No policy enclosed	See explanatory note
FNG	(LOCAL)	Replace policy	Revised policy
FO	(LOCAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 120

San Elizario ISD

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Revised Administrative Code rules, effective June 7, 2022, and reflected on pages 7–8, address the requirements for local improvement plans by certain districts or campuses assigned a D rating. The rules also address modification of a campus turnaround plan due to a change in circumstances. (See page 15.)

Other revisions reflect changes to citations of Administrative Code rules.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

A new Note on page 3 references recently revised Administrative Code rules regarding an informal review or hearing following a TEA investigation.

An existing Administrative Code provision regarding compliance investigations has been added on page 5.

BBD(LEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

A new Administrative Code rule, effective May 31, 2022, requiring board members to complete training on school safety has been added on page 8.

BE(LEGAL) BOARD MEETINGS

Changes prompted by new and revised Administrative Code rules regarding board meetings by videoconference, effective September 15, 2022, are reflected on pages 9–10.

CB(LOCAL) STATE AND FEDERAL REVENUE SOURCES

As recommended by TEA, newly recommended text requires the district to give public notice of federal grant applications by providing information at board meetings and publishing information on the district's website. The new text also affirms that the district will comply with requirements for receiving public input regarding such applications.

Further, the policy authorizes the superintendent to approve the plan for use of the grant or award. If the board retains authority to approve any plans for use of federal grants, please contact your policy consultant for appropriate revisions.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

Citations to a new Administrative Code rule addressing installment payment of taxes on property not directly damaged in a disaster or emergency area are included on page 9.

CFA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

Revisions reflect the adoption of version 18.0 of the *Financial Accountability System Resource Guide.*

CFC(LEGAL) ACCOUNTING: AUDITS

Revisions reflect the adoption of version 18.0 of the *Financial Accountability System Resource Guide.*

CKB(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

Changes reflect extensive revisions to Administrative Code rules regarding mandatory drills, effective June 26, 2022.

New Administrative Code provisions addressing optional active threat exercises are also incorporated.

San Elizario ISD

CKC(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

Education Code 37.108(d) requires a district's multihazard emergency operations plan to include responding to a train derailment near a district school if a district facility is within 1,000 yards of a railroad track. New recommended local policy text incorporates this requirement into the list of procedures that must be addressed.

The *Legal Issues in Update 120* memo describes common legal concerns and best practices specific to this policy's topic.

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

Changes reflect revised Administrative Code provisions, effective June 7, 2022, regarding permitted uses of the instructional materials and technology allotment. Other revisions have been made to delete outdated terminology.

A revised Administrative Code rule, effective October 16, 2022, requiring certification of compliance with the Children's Internet Protection Act has been added on page 9.

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

Based on revised Administrative Code rules, the following requirements have been added at Other Required Internet Postings:

- Certain districts or campuses assigned a D rating must notify the public of the meeting to gather input to develop a local improvement plan. (See item 8.)
- Districts conducting an active threat exercise must provide notice through multiple distribution networks, including the district’s website. (See item 35.)

CRD(LEGAL) INSURANCE AND ANNUITIES MANAGEMENT: HEALTH AND LIFE INSURANCE

Revised Administrative Code rules, effective August 18, 2022, prompted revisions to the definitions of full- and part-time employees.

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

Revisions at the bottom of page 2 reflect changes to the citations of Administrative Code rules addressing instruction related to positive character traits and personal skills.

EHAB(LEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ELEMENTARY)

Revisions include a new Administrative Code rule, effective April 28, 2022, regarding phonics curricula.

EHAC(LEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

Revised Administrative Code rules, effective August 1, 2022, and reflected on pages 3–4, changed the required course offerings for grades 9–12 related to social studies and physical education.

San Elizario ISD

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

Changes on pages 8–9 include revised Administrative Code rules, effective June 7, 2022, regarding review of a student's behavior improvement plan or behavioral intervention plan.

EHBAE(LEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS

Revised Administrative Code rules, effective June 7, 2022, regarding the timeline for requesting a hearing on a due process complaint are included on pages 5–6.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Changes reflect new Administrative Code provisions, effective June 9, 2022, regarding accelerated instruction and accelerated learning committees for students who fail to perform satisfactorily on certain assessment instruments. The new provisions derive from HB 4545, 87th Texas Legislature, Regular Session 2021.

EIE(LEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

Changes are to better match legal sources and remove repealed Administrative Code rules.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

New Administrative Code rules, effective August 21, 2022, regarding notice about the Texas First Early High School Completion Program and the Texas First Scholarship Programare are included on pages 8–9. Other revisions have been made to update citations.

Please note: For the 2022–23 school year, each high school must provide a written notification to each student and the student's parent or guardian listing the eligibility criteria for the programs. After the 2022–23 school year, the school must provide the notice upon a student's initial enrollment in high school.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Changes have been made to incorporate revised Administrative Code rules and to better reflect legal sources.

EKBA(LEGAL) STATE ASSESSMENT: ENGLISH LEARNERS/EMERGENT BILINGUAL STUDENTS

Revisions have been made to include Administrative Code provisions, effective August 9, 2022, regarding emergent bilingual students and individual graduation committees. A repealed provision regarding the grade placement committee has been deleted.

FB(LEGAL) EQUAL EDUCATIONAL OPPORTUNITY

Changes are to better reflect legal sources.

FFA(LEGAL) STUDENT WELFARE: WELLNESS AND HEALTH SERVICES

For clarity, a reference to policy provisions regarding school-based health centers has been added on page 4.

San Elizario ISD

FFAE(LEGAL) WELLNESS AND HEALTH SERVICES: SCHOOL-BASED HEALTH CENTERS

For clarity, a reference to policy provisions regarding expanding or changing health-care services at a school has been added on page 3.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

The Note on page 5 now references Administrative Code rules regarding investigations of abuse or neglect in a school setting.

FFI(LOCAL) STUDENT WELFARE: FREEDOM FROM BULLYING

District bullying policies must address prevention and mediation of bullying incidents and comply with minimum standards adopted by TEA. TEA recently issued updated Proposed Minimum Standards for Bullying Prevention Policies and Procedures for public comment from October 28 through November 28, 2022. Policy Service will recommend local policy revisions following publication of the final TEA minimum standards.

FNG(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Revisions to this local policy are recommended at Other Complaint Processes to:

- Clarify how special education complaints are addressed.
- Encompass all instructional resources policies.
- Reference the required hearing procedure for eligibility disputes under school nutrition programs.

The *Legal Issues in Update 120* memo describes common legal concerns and best practices specific to this policy's topic.

FO(LOCAL) STUDENT DISCIPLINE

Recommended revisions to this local policy are to clarify circumstances when restraint may be used generally and to more prominently address restraint of a student who receives special education services.

FOF(LEGAL) STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

Revised Administrative Code rules, effective June 7, 2022, regarding restraint and time-out are included beginning on page 10. A statement has been amended to refer to new documentation and notification requirements in 19 Administrative Code 89.1053(e). Other changes include citations to revised Administrative Code rules.

Table of Contents

Interventions and Sanctions for School Districts 3
Grounds for Commissioner Action 3
Conservator or Management Team 4
Board of Managers 5
Revocation of Accreditation 6
Intervention to Improve High School Completion Rate 6
Interventions after Certain D Ratings 7
Certain D-Rating Improvement Plans 7
Campus Intervention Team and Targeted Improvement Plan .. 8
Actions Based on Campus Performance 8
Texas Accountability Intervention System 9
Campus Intervention Team 9
Public Hearing 12
Submission to Commissioner 12
Executing Plan 12
Local Improvement Plan 13
Campus Planning and Site-Based Decision-Making 13
Submission of Campus Improvement Plan 13
Compliance Through Federal Accountability 14
Campus Turnaround Plan 14
Updated Targeted Improvement Plan 14
Public Notice 14
Submission and Approval 14
Implementation, Modification, and Withdrawal 14
Required Contents 15
Implementing Entities 16
Commissioner Approval or Rejection 17
Preparation 18
Assistance and Partnerships 18
Modification in Campus Turnaround Plan 18
Continued Unacceptable Performance Rating 18
Repurposing of Closed Campus 19
Student Enrollment and Assignment 19
Targeted Technical Assistance 20
Alternative Management 20
Solicitation of Proposals 20

Qualifications of Managing Entity....21
Contract with Managing Entity....21
Return of Management to District....23
Applicability of Accountability Provisions....23
Funding....23
Open Meetings and Public Information....23
Board of Managers....23
General Powers and Duties....23
Board of Managers of District....24
Composition of Board of Managers....24
Training of Board of Managers....24
Compensation....24
Replacement of Member of Board of Managers....24
Expiration of Appointment....24
Removal of Board of Managers....25
Challenge of Intervention or Sanction....26
Review of Sanctions by SOAH....26
Appeals....26
Annual Review....26
Increasing Intensity....27
Intervention Programs....27
ACE Turnaround Plan....27
Resource Campus....27
Strong Foundations Intervention....27
Miscellaneous Provisions....28
Acquisition of Professional Services....28
Costs Paid by District....28
Immunity from Civil Liability....28
Campus Name Change....28
Special Program Performance Determination....28
Intervention Pause....29
Failure to Submit Emergency Operations Plan....29
Student Board Member....30

Interventions and Sanctions for School Districts

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

Grounds for Commissioner Action

1. A district does not satisfy:
    a. The accreditation criteria under Education Code 39.052 [see AIA];
    b. The academic performance standards under Education Code 39.053 or 39.054 [see AIA]; or
    c. Any financial accountability standard as determined by commissioner rule [see CFA]; or
2. The commissioner considers the action to be appropriate on the basis of a special investigation under Education Code 39.003.

Education Code 39A.001

Authorized Commissioner Actions

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

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

7. Appoint a conservator to oversee the operations of the district;

8. Appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;

9. Authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance; or

10. Order the use of the board improvement and evaluation tool as provided by Education Code 11.182 [see BG].

Education Code 39A.002

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

Subject to 19 Administrative Code 97.1057(h)–(k), once the commissioner takes action under 19 Administrative Code Chapter 97, Subchapter EE (accreditation status, standards, and sanctions), the commissioner may impose on the district or campus any other sanction under Education Code Chapter 39 or 39A, or Subchapter EE, singly or in combination, to the extent the commissioner determines is reasonably required to achieve the purposes specified in 19 Administrative Code 97.1053.

19 TAC 97.1057(c), (e)

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

Conservator or Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

A conservator or management team may exercise the powers and duties defined by the commissioner or described above regardless of whether the conservator or management team was appointed to oversee the operations of a district in its entirety or the operations of a certain campus within the district.

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of Accreditation

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

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

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

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

Education Code 39A.005

Intervention to Improve High School Completion Rate

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

1. Ordering the development of a dropout prevention plan for approval by the commissioner;
2. Restructuring the district or appropriate campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Education Code 29.081;
3. Ordering lower student-to-counselor ratios on campuses with high dropout rates; and

4. Ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

Education Code 39A.007

Interventions after Certain D Ratings

Until another performance rating is issued, TEA may not implement the following intervention or sanctions to a D-rated district or campus, if the D rating is considered acceptable [see AIA]. The following interventions and sanctions are subject to a pause:

1. Revocation of a charter under Education Code 12.115(c);
2. Annexation under Education Code 13.054;
3. Change in accreditation status under rules adopted for accreditation under Education Code 39.052; and
4. Interventions or sanctions under Education Code 39A.101(a), 39A.107(a) or (c), or 39A.111.

A performance rating of D that is considered acceptable may not be included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings.

Interventions or sanctions implemented prior to a pause shall continue during a school year for which interventions or sanctions listed above are paused.

Education Code 39A.118

Certain D-Rating Improvement Plans

A district or campus that is assigned a rating of D that qualifies under Education Code 39.0543(b) [see AIA] shall develop and implement a local improvement plan using the guidance provided by TEA.

The district or campus shall:

1. Conduct a data analysis related to areas of low performance;
2. Conduct a needs assessment based on the results of the data analysis, as follows:
    a. The needs assessment shall include a root cause analysis.
    b. Root causes identified through the needs assessment will be addressed in the local improvement plan; and
3. Create a local improvement plan, as follows:

a. Input must be gathered from the principal; campus-level committee established under Education Code 11.251 [see BQB]; parents; and community members, prior to the development of the local improvement plan, using the following steps.

(1) The campus must hold a public meeting at the campus. The campus shall take reasonable steps to conduct the meeting at a time and in a manner that would allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.

(2) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus.

(3) All input provided by family and community members should be considered in the development of the final local improvement.

b. The completed local improvement plan must be presented at a public hearing and approved by the board.

19 TAC 97.1061(b)

Campus Intervention Team and Targeted Improvement Plan

Actions Based on Campus Performance

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

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

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

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

3. If applicable under the strong foundations intervention under Education Code 39A.064, require the district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 for the campus; or

4. Any combination of the actions described by items 1 through 3 above.

Education Code 39A.051

Texas Accountability Intervention System

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

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

1. For a second consecutive year, the campus must engage in the processes outlined in this provision, and the campus must develop a campus turnaround plan to be approved by the commissioner.

2. For a third or fourth consecutive year, the campus must engage in the processes outlined in this provision, and the campus must implement the commissioner-approved campus turnaround plan as described in 19 Administrative Code 97.1064.

3. For a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or the closure of the campus.

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

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

19 TAC 97.1061(a), (d), (f)–(j)

Campus Intervention Team

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

A campus intervention team assigned by the commissioner may include teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner to serve as members of a team. *Education Code 39A.052*

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

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

19 TAC 97.1063(b)–(c)

On-Site Needs Assessment

A campus intervention team shall:

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

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

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

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

Education Code 39A.053; 19 TAC 97.1061(e)

Recommendations

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

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

Education Code 39A.054

Targeted Improvement Plan

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

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

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

Notice of Public Meeting

The campus intervention team must provide written notice of the public meeting to the parents of students attending the campus and post notice of the meeting on the campus's internet website. The notice must include the date, time, and place of the meeting. *Education Code 39A.056*

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

Public Hearing

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

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

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

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

Education Code 39A.057

Submission to Commissioner

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

Executing Plan

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

1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;
2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

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

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

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

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

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

Education Code 39A.060

Local Improvement Plan

A district or campus that is assigned a rating of D that is considered acceptable [see AIA] shall develop and implement a local improvement plan.

A local improvement plan must be presented to the board.

Education Code 39A.065(a)–(b)

Campus Planning and Site-Based Decision-Making

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

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

Education Code 39A.061

Submission of Campus Improvement Plan

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

Compliance Through Federal Accountability

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

Campus Turnaround Plan

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

Updated Targeted Improvement Plan

A campus intervention team shall assist the campus in:

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

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

Education Code 39A.101

Public Notice

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

Submission and Approval

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

Implementation, Modification, and Withdrawal

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

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

Change in Circumstances

A campus may modify its campus turnaround plan with commissioner approval if it is determined that due to a change in circumstances occurring after the plan's approval under Education Code 39A.107 a modification of the plan is necessary to achieve the plan's objectives.

A change in circumstance may be the following, but not limited to:

1. A campus that has written a turnaround plan but has not yet been ordered to implement it and has received a Not Rated; Declared State of Disaster rating for two consecutive years prior to receiving its next F rating; or
2. A campus that has implemented its turnaround plan for no more than one year prior to receiving a Not Rated; Declared State of Disaster rating for two consecutive years.

A campus that has modified its turnaround plan under this provision may only request additional modifications to the plan based on circumstances that have changed since the last commissioner-approved modification.

Commissioner Authority

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

19 TAC 97.1064(j)–(m)

Required Contents

A campus turnaround plan must include:

1. Details on the method for restructuring, reforming, or reconstituting the campus;
2. A detailed description of the academic programs to be offered at the campus, including:
    a. Instructional methods;
    b. Length of school day and school year;

c. Academic credit and promotion criteria; and

d. Programs to serve special student populations;

3. If a district charter is to be granted for the campus under Education Code 12.0522:

   a. The term of the charter; and

   b. Information on the implementation of the charter;

4. Written comments from:

   a. The campus-level committee established under Education Code 11.251, if applicable;

   b. Parents; and

   c. Teachers at the campus;

5. A detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources; and

6. A detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees under Education Code 11.1515.

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

Implementing Entities

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

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

The commissioner shall appoint a conservator to a district unless and until each campus in the district for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year or the commissioner determines a conservator is not necessary.

In making appointments, the commissioner shall consider individuals who have demonstrated success in managing campuses with

student populations similar to the campus at which the individual appointed will serve.

Education Code 39A.102, .108

Effective Date

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

Commissioner Approval or Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

Preparation

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

Assistance and Partnerships

A district may:

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

Education Code 39A.109

Modification in Campus Turnaround Plan

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

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

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

The commissioner may authorize modification of an approved campus turnaround plan if the commissioner determines that due to a change in circumstances occurring after the plan's approval, a modification of the plan is necessary to achieve the plan's objectives.

Education Code 39A.110

Continued Unacceptable Performance Rating

If a campus is considered to have an unacceptable performance rating for five consecutive school years, the commissioner shall order:

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

Education Code 39A.111

Parent Petition for Action

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

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

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

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

Repurposing of Closed Campus

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

1. Serves a majority of grade levels not served at the original campus; or
2. Is operated under a contract, approved by the school board, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986 that:
    a. Has a governing board that is independent of the district;
    b. Has a successful history of operating school district campuses or open-enrollment charter schools:
        (1) That cumulatively serve 10,000 or more students; and
        (2) A majority of which have been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year; and
    c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

Student Enrollment and Assignment

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

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

Noncontracted Repurposed Campus

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

Enrollment Provision in Contract

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

Education Code 39A.113

Targeted Technical Assistance

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

Alternative Management

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

Solicitation of Proposals

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

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

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

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

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

Education Code 39A.151

Qualifications of Managing Entity

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

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

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

1. Meets any of the commissioner’s qualifications; and
2. Has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus to be operated by the managing entity.

Education Code 39A.152

Contract with Managing Entity

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

The management contract must include:

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

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

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

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

Education Code 39A.153; 19 TAC 97.1067

Extension of Management Contract

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

Evaluation of Managing Entity

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

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

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

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

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

1. Terminate the contract; and

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

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

Education Code 39A.155

Cancellation of Management Contract

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

Return of Management to District

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

Applicability of Accountability Provisions

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

Funding

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

Open Meetings and Public Information

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

1. A managing entity is considered to be a governmental body for purposes of Government Code Chapter 551 (Open Meetings Act) and Government Code Chapter 552 (Public Information Act); and

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

Education Code 39A.160

Board of Managers

General Powers and Duties

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, a board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

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

Education Code 39A.201

Board of Managers of District	Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, if the commissioner appoints a board of managers to govern a district: 1. The powers of the board are suspended for the period of the appointment; and 2. The commissioner shall appoint a district superintendent. A board of managers appointed to govern a school district may amend the budget of the district. Education Code Chapter 39A applies to a school district governed by a board of managers in the same manner it applies to any other district. *Education Code 39A.202*
Composition of Board of Managers	A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*
Training of Board of Managers	The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205* The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(h)*
Compensation	The commissioner may authorize payment of a board of managers from TEA funds. A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner. *Education Code 39A.206*
Replacement of Member of Board of Managers	The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*
Expiration of Appointment	A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees.

If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

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

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

Education Code 39A.208; 19 TAC 97.1073

Removal of Board of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

Challenge of Intervention or Sanction

Review of Sanctions by SOAH

A district must appeal under this provision if the district intends to challenge the commissioner's decision to close the district or a campus, pursue alternative management of a campus, appoint a board of managers to the district, or appoint a conservator or management team to the district.

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

Notwithstanding other law:

1. The State Office of Administrative Hearings (SOAH) shall conduct an expedited review of a challenge;
2. The administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;
3. The decision of the administrative law judge is final and may not be appealed; and
4. The decision of the administrative law judge may set an effective date for an action under this section.

Education Code 39A.301

Appeals

If an order, decision, or determination is described as final in Education Code Chapter 7, 11, 12, 39, or 39A, an interlocutory or intermediate order, decision, report, or determination made or reached before the final order, decision, or determination may be appealed only as specifically authorized by the Education Code or a rule adopted under the Education Code. *Education Code 5.003*

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

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)–(b)

Intervention Programs

ACE Turnaround Plan

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must meet the requirements of Education Code 39A.105(b). *Education Code 39A.105(b)–(c)*

Resource Campus

An eligible campus may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students. To apply to be designated as a resource campus, the campus must have received an overall performance rating of F for four years over a ten-year period of time. *Education Code 29.934(a)–(b)*

Strong Foundations Intervention

Notwithstanding when a D rating is considered acceptable or any other law, the commissioner may require a district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 at a campus that:

1. Includes students at any grade level from prekindergarten through fifth grade;
2. Is assigned an overall performance rating of D or F; and
3. Is in the bottom five percent of campuses in the state based on student performance on the grade three state reading assessment during the previous school year, as determined by the commissioner.

Education Code 39A.064(a)

Miscellaneous Provisions

Acquisition of Professional Services

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

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

Education Code 39A.902

Costs Paid by District

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

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

Education Code 39A.903

Immunity from Civil Liability

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

Campus Name Change

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

Special Program Performance Determination

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

The commissioner shall notify in writing each district identified for review under this section as a result of assigned determination level or cyclical selection prior to requiring a district to implement or

participate in any activities included in 19 Administrative Code 97.1071(f)(1)–(6).

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

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

Intervention Pause

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

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

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

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

19 TAC 97.1062

Failure to Submit Emergency Operations Plan

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

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

Student Board Member

Notwithstanding Education Code 11.051(b) (number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. A student trustee may not participate in a closed session of a board meeting [see BEC] in which any issue related to a personnel matter is considered. *Education Code 11.0511(a)–(f)*

Special Investigations

The commissioner may authorize a special investigation:

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

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

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

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

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

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

18. As the commissioner otherwise determines necessary.

The commissioner may authorize special investigations to be conducted in response to repeated complaints submitted to the agency concerning imposition of excessive paperwork requirements on classroom teachers.

Education Code 39.003(a), (c)

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

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

Commissioner Action

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

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

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

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

Education Code 39.003(d)

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

1. A person who is a third party, selected by the commissioner, has reviewed programs or other subjects of a special investigation and submitted a report identifying problems and proposing solutions;

2. A district completes a corrective action plan developed by the commissioner; or

3. The completion of actions under both items 1 and 2 above.

Education Code 39.003(e)

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

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

Monitoring Reviews

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

1. Compliance with federal law and regulations;

2. Financial accountability, including compliance with grant requirements;

3. Data integrity for purposes of:

   a. The Public Education Information Management System (PEIMS); and

   b. Accountability under Education Code Chapter 39 and 39A; and

4. Qualification for funding under Education Code Chapter 48.

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

Education Code 7.028

Compliance Monitoring Activities

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

Activities may include:

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

2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.057 (redesignated to Education Code 39.003, special investigations).

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

19 TAC 97.1071(a)–(b)

Notice

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

Conducting the Review

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

Converting to a Special Investigation

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

Improvements

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to

seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. *Education Code 39.056(e)–(f)*

Appeals

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

Compliance Investigation

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

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). 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 Public Information Act. [See GBAA regarding public information coordinator training] *Gov't Code 552.012*

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)*

A regional education service center (ESC) board member continuing education program shall be open to any interested person, in-

cluding 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 ten 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 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.

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.

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 ten 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)

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].

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).

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.

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 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).

Majority Vote

The board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551 (Open Meetings Act), at which a quorum of the board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present. *Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

No Secret Ballot

No vote shall be taken by secret ballot. *Atty. Gen. Op. JH-1163 (1978)*

Definitions

Deliberation

"Deliberation" means a verbal or written exchange between a quorum of a board, or between a quorum of a board and another person, concerning an issue within the jurisdiction of the board. *Gov't Code 551.001(2)*

Meeting

"Meeting" means:

1. A deliberation between a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action; or
2. Except as otherwise provided below, a gathering:
    a. That is conducted by the board or for which the board is responsible;
    b. At which a quorum of members of the board is present;
    c. That has been called by the board; and
    d. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of the district, about the public business or public policy over which the board has supervision or control.

Gov't Code 551.001(4)

Exceptions to Meeting

Social Function, Convention, or Candidate Event

The term does not include the gathering of a quorum of a board at a social function unrelated to the public business that is conducted by the board, the attendance by a quorum of a board at a regional, state, or national convention or workshop, ceremonial event, or press conference, or the attendance by a quorum of a board at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate. *Gov't Code 551.001(4)*

Legislative Committee or Agency Meeting

The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of the board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035(b)*

Online Message Board

For information on communications posted to an online message board, see BBI.

Quorum

"Quorum" means a majority of the number of members fixed by statute. *Gov't Code 551.001(6); 311.013(b)*

Disaster Exception

Notwithstanding any other law, a quorum is not required for the board to act if:

1. The district's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster.

Gov't Code 418.1102

Recording

"Recording" means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov't Code 551.001(7)*

Prohibited Series of Communications

A board member commits an offense if the member:

1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by the Open Meetings Act and that concern an issue within the jurisdiction of the board in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and
2. Knew at the time the member engaged in the communication that the series of communications:
    a. Involved or would involve a quorum; and
    b. Would constitute a deliberation once a quorum of members engaged in the series of communications.

Gov't Code 551.143

Superintendent Participation

The board shall provide the superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting. *Education Code 11.051(a-1)*

Access to Board Meetings

Open to Public

Every regular, special, or called meeting of a board shall be open to the public, except as provided by the Open Meetings Act. *Gov't Code 551.002* [See BEC for exceptions for closed meetings.]

Parental Access

A parent is entitled to complete access to any meeting of the board, other than a closed meeting held in compliance with Government Code Chapter 551, Subchapters D and E. *Education Code 26.007(a)*

Exclusion of Witnesses

A board that is investigating a matter may exclude a witness from a hearing during the examination of another witness in the investigation. *Gov't Code 551.084*

Location

A board must hold each public meeting within the boundaries of the district, except:

1. As required by law; or
2. To hold a joint meeting with another district or with another governmental entity, as defined by Government Code 2051.041, if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

Education Code 26.007(b)

Required Meeting Records

Minutes or Recording

A board shall prepare and keep minutes or make a recording of each open meeting. The minutes must state the subject matter of each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021*

Board Member Attendance

The minutes, certified agenda, or recording, as applicable, of a regular or special meeting of the board must reflect each member's attendance at or absence from the meeting. *Education Code 11.0621*

Availability

The minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the superintendent or designee. *Gov't Code 551.022; Education Code 11.0621*

Note: For website posting requirements regarding the record of a board meeting, see CQA.

Notice Required

A board shall give written notice of the date, hour, place, and subject of each meeting held by the board. *Gov't Code 551.041*

Continued Meeting

Government Code 551.041, above, does not require a board that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent the Open Meetings Act. If an open meeting is continued to the following regular business day and, on that following day, the board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

Inquiry During Meeting

If, at a meeting of a board, a member of the public or of the board inquires about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting. *Gov't Code 551.042*

Time and Accessibility of Notice

The notice of a meeting of a board must be posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting, except as provided at Emergency Meeting or Emergency Addition to Agenda, below. A district shall post notice of each meeting on a bulletin board at a place convenient to the public in the central administrative office of the district. *Gov't Code 551.043(a), .051*

If a district is required to post notice of a meeting on the internet:

1. The district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period;

2. The district must still comply with any duty imposed by the Open Meetings Act to physically post the notice at a particular location; and

3. If the district makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the notice physically posted must be readily accessible to the general public during normal business hours.

Gov't Code 551.043(b)

Internet Posting — Notice

If a district maintains an internet website, in addition to the other place at which notice is required to be posted, a board must also concurrently post notice of a meeting on the internet website.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more

must also concurrently post the agenda for the board meeting on the district's internet website.

The validity of a posted notice of a meeting or an agenda by a board subject to these provisions that made a good-faith attempt to comply with these requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

Gov't Code 551.056

[See CQA for other website posting requirements.]

Specificity of Agenda/Notice

Agendas for all meetings must be sufficiently specific to inform the public of the subjects to be discussed at the meeting, setting out any special matters to be considered or any matter in which the public has a particular interest. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist., 706 S.W.2d 956 (Tex. 1986); Point Isabel Indep. Sch. Dist. v. Hinojosa, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); Atty. Gen. Op. JH-1045 (1977)*

Emergency Meeting or Emergency Addition to Agenda

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with Government Code Chapter 551, Subchapter C, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

A board may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted as described above other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting; or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

An emergency or urgent public necessity exists only if immediate action is required of a board because of:

1. An imminent threat to public health and safety, including a threat described in item 2, below, if imminent; or
2. A reasonably unforeseeable situation, including:
    a. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;

b. Power failure, transportation failure, or interruption of communication facilities;

c. Epidemic; or

d. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

The board shall clearly identify the emergency or urgent public necessity in the notice of an emergency meeting or supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to a district's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation.

Gov't Code 551.045

Catastrophe

A board that is prevented from convening an open meeting that was otherwise properly posted under Government Code 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code 551.045 if the action is taken in good faith and not to circumvent the Open Meetings Act. If the board is unable to convene the open meeting within those 72 hours, the board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of a board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;

2. Power failure, transportation failure, or interruption of communication facilities;

3. Epidemic; or

4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b), (c)

Special Notice to News Media

A district shall provide special notice of each meeting to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. The notice shall be by telephone, facsimile transmission, or electronic mail. *Gov't Code 551.052*

The board president or board member who calls an emergency meeting or adds an emergency item to the agenda of a board meeting shall notify the news media of the emergency meeting or emergency item. The president or member is required to notify only those members of the news media that have previously filed a request containing all pertinent information for the special notice and agreed to reimburse the board for the cost of providing the special notice. The president or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened. *Gov't Code 551.047*

Meeting by Telephone Conference Call

A board may hold a meeting by telephone conference call only if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the board is difficult or impossible, or if the meeting is held by an advisory board.

Technical Requirements and Recording

Each part of the telephone conference call meeting that is required to be open to the public shall be audible to the public at the location specified in the notice of the meeting as the location of the meeting and shall be recorded. The recording shall be made available to the public.

The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Notice of Location

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting the location where meetings of the board are usually held.

Gov't Code 551.125

Meeting by Videoconference

"Videoconference call" or "videoconference" means a communication conducted between two or more persons in which one or more of the participants communicate with the other participants through audio and video signals transmitted over a telephone network, a data network, or the internet. *Gov't Code 551.001(8); 1 TAC 209.1(5)*

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes. A board member who participates in a meeting by video

conference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The board may continue the meeting only if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting conducted as specified at Multiple Counties, below. *Gov't Code 551.127(a-1)–(a-3)*

Quorum in One Location

A meeting may be held by videoconference call only if a quorum of the board is physically present at one location of the meeting, except as provided at Multiple Counties, below.

Multiple Counties

A meeting of a board of a district that extends into three or more counties may be held by videoconference call only if the board member presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

Additional Notice Requirements

A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the board will be physically present and specify the intent to have a quorum present at that location, except that the notice of a meeting held by videoconference call described above at Multiple Counties must specify as a location of the meeting the location where the board member presiding over the meeting will be physically present and specify the intent to have that member present at that location.

Gov't Code 551.127(b)–(e)

Quality of Audio and Video Signals

Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each other location during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance

at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed minimum standards specified by the Department of Information Resources (DIR). The audio and video signals perceptible by members of the public at the location of the meeting described by the notice and at each remote location from which a member participates must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

Gov't Code 551.127(f), (h)–(j)

Minimum Standards

No requirements found in subchapter B of 1 Administrative Code Chapter 209 (minimum standards for meetings held by videoconference by governmental bodies) shall be interpreted to overrule any section of the Open Meetings Act or any rules adopted or opinions issued by the Office of the Attorney General interpreting the Open Meetings Act. *1 TAC 209.4*

Boards conducting open or closed meetings by videoconference call shall review and consider any applicable guidelines promulgated by DIR. *1 TAC 209.5(b)*

Computer-Based Videoconferencing Applications

"Computer-based videoconferencing application" means a commercially available application designed to facilitate videoconferencing between a personal computer to another personal computer or mobile device either one-to-one or in a group environment. *1 TAC 209.1(1)*

All computer-based videoconferencing applications shall employ a minimum bandwidth transmission speed and/or adequate data compression algorithm to produce a sufficient quality for audio and video such that audio volume and clarity and video clarity are sufficient to hear and view all speaking participants on the videoconference clearly.

Computer-based videoconferencing applications may specify unique minimum requirements for computer central processing units, memory, and video capability to run the computer-based videoconferencing application. A board shall comply with these minimum requirements.

If the videoconference call hosts a public audience at a location or locations specified by the official notice of the open meeting posted in compliance with Open Meetings Act requirements, then the dis-

trict shall establish a minimum of one host computer at the location(s) that will run the computer-based videoconferencing application. This host computer shall then be connected to:

1. Either a separate video monitor of size proportional to the room and clearly visible to all in the room or multiple video monitors so that all attendees may clearly view the video stream; and
2. External speakers of suitable volume and sound quality such that all meeting attendees at the host location may clearly hear the meeting.

Any personal computer used by a board member for the purpose of videoconferencing for an open meeting subject to the Open Meetings Act shall contain a camera and speakers of sufficient quality to permit all meeting attendees to see the individual who is using the personal computer and for the individual to hear all speaking attendees.

1 TAC 209.10

Dedicated Video Room Environments

If a board uses a dedicated video room environment (DVRE) for dedicated camera and speaker equipment but is using a computer-based videoconferencing application that is not part of a proprietary DVRE setup, then the district must comply with all minimum standards for computer-based application software, above, and is not subject to the DIR requirements for a DVRE. *1 TAC 209.11(e)*

Note: The minimum standards for videoconference meetings hosted between dedicated video room environments are outlined in 1 Administrative Code 209.1 and 209.11.

Security Requirements

Each board subject to the Open Meetings Act shall review and comply with any additional internal security requirements of their district that may apply to a meeting held by videoconference. *1 TAC 209.12(a)*

Recording

The board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

Remote Participation by the Public

Without regard to whether a member of the board is participating in a meeting from a remote location by videoconference call, a board may allow a member of the public to testify at a meeting from a remote location by videoconference call.

Gov't Code 551.127(g), (k)

Internet Broadcast

Except as provided by Government Code 551.128(b-1), below, and subject to the requirements at Video and Audio Recording of Meeting, below, a board may broadcast an open meeting over the internet.

Except as provided by Government Code 551.128(b-2) [see Existing Website, below], a board that broadcasts a meeting over the internet shall establish an internet site and provide access to the broadcast from that site. The board shall provide on the internet site the same notice of the meeting that the board is required to post under Government Code Chapter 551, Subchapter C. The notice on the internet must be posted within the time required for posting notice under Subchapter C.

Gov't Code 551.128(b), (c)

Note: The provisions at Video and Audio Recording of Meeting apply to a board for a district that has a student enrollment of 10,000 or more.

Video and Audio Recording of Meeting

A board shall:

Required Recording

1. Make a video and audio recording of reasonable quality of each:
   a. Regularly scheduled open meeting that is not a work session or a special called meeting; and
   b. Open meeting that is a work session or special called meeting at which the board votes on any matter or allows public comment or testimony [see BED for requirements regarding public testimony]; and
2. Make available an archived copy of the video and audio recording of each meeting described in item 1.

Internet Posting — Recordings

A board shall:

1. Make the archived recording of each meeting to which these provisions apply available on the internet not later than seven days after the date the recording was made; and
2. Maintain the archived recording on the internet for not less than two years after the date the recording was first made available.

Existing Website

A board may make available the required archived recording on an existing internet site, including a publicly accessible video-sharing or social networking site. The board is not required to establish a

separate internet site and provide access to archived recordings of meetings from that site.

District Website A district that maintains an internet site shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

Exemption A board is exempt from the internet posting requirements if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see Catastrophe, above], or a technical breakdown. Following a catastrophe or breakdown, a board must make all reasonable efforts to make the required recording available in a timely manner.

Television Broadcast A board may broadcast a regularly scheduled open meeting on television.

Gov't Code 551.128(b-1)–(b-6)

Recording by Attendee A person in attendance may record all or any part of an open meeting of a board by means of a recorder, video camera, or other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules relating to the location of recording equipment and the manner in which the recording is conducted. A rule adopted under this provision may not prevent or unreasonably impair a person from exercising a right granted under this provision. *Gov't Code 551.023*

Attorney Consultation A board may use a telephone conference call, videoconference call, or communications over the internet to conduct a public consultation with its attorney in an open meeting of the board or a private consultation with its attorney in a closed meeting of the board. [See BEC]

Each part of a public consultation by a board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

These provisions do not authorize the members of a board to conduct a meeting of the board by telephone conference call, video conference call, or communications over the internet; or create an exception to the application of Government Code Chapter 551, Subchapter F (meetings using telephone, videoconference, or internet).

Exception

These provisions do not apply to a consultation with an attorney who is an employee of a district. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by the district, is an employee of the district.

Gov't Code 551.129

Persons with Hearing Impairments

In a proceeding before a board in which the legal rights, duties, or privileges of a party are to be determined by the board after an adjudicative hearing, the board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Commission for the Deaf and Hard of Hearing.

"Deaf or hearing impaired" means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits comprehension of an examination or proceeding, or communication with others.

Gov't Code 558.001, .003

Grants and Awards

The Superintendent shall be authorized to:

1. Apply, on behalf of the Board, for any and all special federal and state grants and awards as deemed appropriate for the District's operations;
2. Approve commitment of District funds for matching, cost sharing, cooperative, or jointly funded projects up to the amounts specifically allowed under the District budget approved by the Board; and
3. Approve grant and award amendments as necessary.

The District shall comply with all requirements for state and federal grants and awards imposed by law, the awarding agency, or an applicable pass-through entity. The Superintendent shall develop and enforce financial management systems, internal control procedures, procurement procedures, and other administrative procedures as needed to provide reasonable assurance that the District is complying with requirements for state and federal grants and awards.

[See CAA, CBB]

Federal Awards

Public Notice and Input

The District shall provide public notice of federal grant applications through an information item at a Board meeting and by publishing information on the District's website. The District shall make available opportunities for public input as required by law or the granting agency.

Plan Approval

Approval of required grant and award plans shall be by the Superintendent.

Conflict of Interest

Each employee, Board member, or agent of the District who is engaged in the selection, award, or administration of a contract supported by a federal grant or award and who has a potential conflict of interest as defined at Code of Federal Regulations, title 2, section 200.318, shall disclose to the District, in writing, any conflict that meets the disclosure threshold in Chapter 176 of the Local Government Code. [See CBB]

In addition, each employee, Board member, or agent of the District shall comply with any other conflict of interest requirements imposed by the granting agency or a pass-through entity.

For purposes of this policy, "immediate family member" shall have the same meaning as "family member" as described in Chapter 176 of the Government Code. [See BBFA]

For purposes of this policy, “partner” shall have the same meaning as defined in Business Organizations Code Chapter 1, Subchapter A.

An employee, Board member, or agent of the District who is required to disclose a conflict in accordance with the provisions above shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

Gifts and Gratuities

Employees, Board members, and agents of the District shall not solicit any gratuities, favors, or items from a contractor or a party to a subcontract for a federal grant or award and shall not accept:

1. Any single item with a value at or above $50; or
2. Items from a single contractor or subcontractor that have an aggregate monetary value exceeding $100 in a 12-month period.

[See BBFA, BBFB, CBB, DBD. In the event of a violation of these requirements, see CAA and DH.]

Table of Contents

Exemptions 2
Homestead 2
Veteran Exemptions 4
Exemption for Subsequent Residence 5
Temporary Exemption for Property Damaged by Disaster 5
Optional Exemptions 5
Goods-in-Transit 6
Payment Options 7
Discounts 7
Split Payments 8
Installment Payments 8
Services in Lieu of Paying Taxes 9
Delinquent Taxes 10
Delinquency Date 10
Delinquent Tax Collection 10
Additional Penalties 10

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

Exemptions

Homestead

Mandatory

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

Persons 65 or Older or Disabled

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

Tax Limitation

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

Improvements

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

Exception

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

Portability of Tax Limitation

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

Surviving Spouse

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

Local Options

All Taxpayers

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

Disabled or 65 or Older

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

Amount

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

Tax Code 11.13(d)–(f)

Continuation of Exemption during Construction

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

Surviving Spouse of First Responder

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

Veteran Exemptions

100 Percent Disabled

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

Partially Disabled with Donated Residence

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

Surviving Spouse of Veteran

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

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

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

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

Surviving Spouse of Individual Killed in Action

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

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

Disabled Veteran

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

Exemption for Subsequent Residence

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

Temporary Exemption for Property Damaged by Disaster

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

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

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

Optional Exemptions

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

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

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

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

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

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

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

Goods-in-Transit *Exemption*

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

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

Option to Tax

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

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

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

Exception

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

Tax Code 11.253(j)–(j-2)

Payment Options

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

Discounts

Option 1

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

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

Tax Code 31.05(b)

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

Option 2

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

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

Tax Code 31.05(c)

Both Options

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

Rescission

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

Split Payments

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

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

Tax Code 31.03

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

In Certain Counties

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

Installment Payments

Certain Homesteads

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

Disaster or Emergency Area

Property Damaged — Automatic

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

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

Tax Code 31.032

Property Not Damaged — Board Option

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

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

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

Definitions

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

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

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

Services in Lieu of Paying Taxes

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

Persons 65 and Over

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

Teaching Services

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

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

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

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

By Individual

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

By Employee of Business Entity

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

Delinquent Taxes

Delinquency Date

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

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

Delinquent Tax Collection

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

Additional Penalties

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

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

Accounting System

A board must adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. The accounting system must meet at least the minimum requirements prescribed by the commissioner of education, subject to review and comment by the state auditor. *Education Code 44.007(a), (b)*

Financial Accountability System Resource Guide

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication, *Financial Accountability System Resource Guide*, Version 18.0, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. *19 TAC 109.1, .41, .5001*

Report of Revenues and Expenditures

A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA on or before the date set by the State Board of Education. *Education Code 44.007(c), (d)*

Financial Statement

The board shall prepare an annual financial statement showing for each fund subject to the board's authority during the fiscal year:

1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;
2. The total disbursements of the fund, itemized by the nature of the expenditure; and
3. The balance in the fund at the close of the fiscal year.

Local Gov't Code 140.005

Publication

The board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the district, the financial statement shall be published in a newspaper in each county in which the district or any part of the district is located. If a district is located in more than one county, the financial statement may be published in a newspaper that has general circulation in the district. If a newspaper is not published in the county, the financial statement may be published in a newspaper in an adjoining county.

The statement shall be published in accordance with the accounting method required by TEA not later than the 150th day after the date the fiscal year ends.

Local Gov't Code 140.006

Annual Local Debt Report

A district shall annually compile and report certain financial information ("Annual Local Debt Report") in the manner prescribed by Local Government Code 140.008 and 34 Administrative Code 10.1–.6. *Local Gov't Code 140.008(b); 34 TAC 10.2(a)*

The Annual Local Debt Report must include the following financial information:

1. Regarding total authorized debt obligations:
    a. The amount of all authorized debt obligations;
    b. The principal of all outstanding debt obligations;
    c. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
    d. The amount of all authorized debt obligations secured by property taxes;
    e. The principal of all outstanding debt obligations secured by property taxes;
    f. The combined principal and interest required to pay all outstanding debt obligations secured by property taxes on time and in full;
    g. The amount of all authorized debt obligations secured by property taxes expressed as a per capita amount;
    h. The principal of all outstanding debt obligations secured by property taxes expressed as a per capita amount;
    i. The combined principal and interest required to pay all outstanding debt obligations on time and in full for all obligations secured by property taxes expressed as a per capita amount; and
    j. The current credit rating on total debt obligations given by any nationally recognized credit rating organization.
2. Regarding each authorized debt obligation:
    a. The principal of each outstanding debt;

b. The principal of each outstanding debt obligation secured by property taxes expressed as a per capita amount;

c. The combined principal and interest required to pay each outstanding debt obligation on time and in full;

d. The combined principal and interest required to pay each outstanding debt obligation on time and in full expressed as a per capita amount;

e. The issued and unissued amounts, the spent and unspent amounts, the maturity date and the stated purpose for which each debt obligation was authorized; and

f. The current credit rating on each debt obligation given by any nationally recognized credit rating organization.

3. Any other information considered relevant or necessary to explain the above required data elements, such as explanations of payment sources for different kinds of debt or projections of per capita amounts of ad valorem taxation-secured obligations as of the last day of the maximum term of the most recent debt obligation issued by the district.

34 TAC 10.2; Local Gov't Code 140.008(b)

Submission to Comptroller

The comptroller shall provide a location on the comptroller's internet website where a district may submit the financial information described above and any other related information required or requested by the comptroller for the Annual Local Debt Report.

The comptroller shall prescribe the form and manner in which financial information, financial documents, and related information must be submitted under these provisions. These instructions and other information related to local government debt reporting will be provided on the comptroller's internet website.

34 TAC 10.3

Reporting Requirement

On an annual basis and within 180 days of the end of the most recently completed fiscal year, a district shall, in accordance with the reporting requirements set forth under Local Government Code 140.008, either:

1. Submit an Annual Local Debt Report to the comptroller as described at Submission to Comptroller, above, in the form and in the manner prescribed by the comptroller and, if the district maintains an internet website, continually maintain a link from its website to the location on the comptroller's website where the district's financial information may be viewed; or

2. Post its contact information and the information required in an Annual Local Debt Report on the district's own internet website and make the report available for inspection by any person in accordance with other law.

A district that elects to post a report of its financial information on its own internet website as described in item 2 above shall provide upon request an electronic link to the location on the district's website where the information can be viewed to facilitate compliance with the requirements of this provision and to enable the comptroller to maintain a searchable database of local debt information that is comprehensive, accurate, and complete.

34 TAC 10.4; Local Gov't Code 140.008(c), (d), (f)

Definitions

The phrases, words, and terms used in the foregoing provisions shall have the meanings set out in 34 Administrative Code 10.1, unless the context clearly indicates otherwise. *34 TAC 10.1*

School FIRST Annual Financial Management Report

Each district is required to report information and financial accountability ratings to parents, taxpayers, and other stakeholders by implementing the reporting procedures below. *19 TAC 109.1001(q)*

Report Requirements

Each district must prepare and distribute an annual financial management report in accordance with 19 Administrative Code 109.1001(q). *19 TAC 109.1001(q)(1)*

The annual financial management report for a district must include:

1. A description of its financial management performance based on a comparison, provided by TEA, of its performance on the indicators established by the commissioner and reflected in 19 Administrative Code 109.1001. The report will contain information that discloses:

   a. State-established standards; and

   b. The district's financial management performance under each indicator for the current and previous year's financial accountability ratings [see CFC];

2. Any descriptive information required by the commissioner, including:

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

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

c. A summary schedule for the fiscal year of the dollar amount of compensation and fees received by the superintendent from an outside school district or any other outside entity in exchange for professional consulting or other personal services. The schedule must separately report the amount received from each entity;

d. A summary schedule for the fiscal year of the total dollar amount of gifts that had a total economic value of $250 or more received by the executive officers and board members.

(1) This reporting requirement applies only to:

(a) Gifts received by the district's executive officers and board members (and their immediate family as described by Government Code Chapter 573, Subchapter B, Relationships by Consanguinity or by Affinity) from an outside entity that received payments from the district in the prior fiscal year, and

(b) Gifts from competing vendors that were not awarded contracts in the prior fiscal year;

(2) This reporting requirement does not apply to reimbursement by an outside entity for travel-related expenses when the purpose of the travel was to investigate matters directly related to an executive officer's or board member's duties or to investigate matters related to attendance at education-related conferences and seminars with the primary purpose of providing continuing education (this exclusion does not apply to trips for entertainment purposes or pleasure trips);

(3) This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had a total economic value of less than $250 per executive officer or board member; and

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

3. Any other information the board of the district determines to be useful.

19 TAC 109.1001(q)(3)

Public Hearing

Each district must provide the public with an opportunity to comment on the report at a public hearing. *19 TAC 109.1001(q)(2)*

The board must hold a public hearing on the report within two months after receiving a final financial accountability rating. The public hearing must be held at a location in the district's facilities.

At the hearing, the district must provide the annual financial management report to the attending parents and taxpayers.

19 TAC 109.1001(q)(4), (5); Education Code 39.083(d)

Notice

The board must give notice of the hearing to owners of real property in the geographic boundaries of the district and to parents of district students.

In addition to other notice required by law, the board must provide notice of the hearing:

1. To a newspaper of general circulation in the geographic boundaries of the district in one posting prior to holding the public meeting, providing the time and place of the hearing. The notice in the newspaper may not be earlier than 30 days or later than ten days before the date of the hearing. If no newspaper is published in the county in which the district's central administration office is located, then the board must publish the notice in the county nearest to the county seat of the county in which the district's central administration office is located; and

2. Through electronic mail to the mass communication media serving the district, including, but not limited to, radio and television.

19 TAC 109.1001(q)(4); Education Code 39.083(d)

Dissemination — After the hearing, the report shall be disseminated in the district in the manner prescribed by the commissioner. *Education Code 39.083(e)*

Records Retention — The district must retain the annual financial management report for at least three years after the public hearing and make it available to parents and taxpayers upon request. *19 TAC 109.1001(q)(6)*

Corrective Action Plan — Each district that received an F rating must file a corrective action plan with TEA, prepared in accordance with instructions from the commissioner, within one month after the district's public hearing. *19 TAC 109.1001(q)(7); Education Code 39.0824*

Projected Deficit

If the commissioner, based on the indicators adopted under Education Code 39.082 [see CFC], projects a deficit for a district general fund within the following three school years, TEA shall provide the district interim financial reports, including projected revenues and expenditures, to evaluate the district's current budget status.

TEA may require a district to submit additional information needed to produce a financial report. If a district fails to provide information requested or if the commissioner determines that the information submitted by a district is unreliable, the commissioner may order the district to acquire professional services under Education Code 39A.902 [see AIC].

Education Code 39.0823

Annual Audit

The board shall have its district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.

The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education (SBOE), subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

Audit Requirements and Procedures

A district must file with the Texas Education Agency (TEA) an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide*, as adopted by reference in 19 Administrative Code 109.41.

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

Independent Auditor

The district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy or a state licensing agency from another state;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);

2. Adhere to GAQC's membership requirements; and

3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:

   a. Texas public school district environment;

   b. Public sector; or

   c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

Financial Accountability System Resource Guide

The rules for financial accounting are described in the official TEA publication *Financial Accountability System Resource Guide*, Version 18.0, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. *19 TAC 109.41, .5001*

Filing of Report

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board declines or refuses to approve its auditor's report, it shall nevertheless file with TEA a copy of the audit report with its statement detailing reasons for failure to approve the report. *Education Code 44.008(d)*

Internet Posting of Audit

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18, including the district's most recent financial audit, in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for other required information that must be posted.]

Note: For information on the efficiency audit required before a district may hold an election to seek voter approval to adopt a maintenance and operations tax rate, see CCG.

Financial Records

Each treasurer receiving or having control of any school fund of any district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer's hands. The treasurer's records of the district's itemized accounts and records shall be available to audit. *Education Code 44.008(c)*

Financial Accountability Rating System (School FIRST)

TEA will assign a financial accountability rating to each district as required by Education Code 39.082.

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner. Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year.

A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(b), (e), (l)

Issuance of Ratings

TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report (AFR). Instead, the district will receive an F rating for substandard achievement.

Appeals

A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).

If TEA receives an appeal of a preliminary rating, TEA will issue a final rating to the district no later than 60 days after the deadline for submitting appeals. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of the preliminary rating.

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule.

19 TAC 109.1001(m)–(o)

[For information on the reporting requirements regarding a district's financial accountability rating, see CFA.]

Mandatory Drills

Each district shall conduct emergency safety drills in accordance with Education Code 37.114. Drills do not include persons role playing as active aggressors or other simulated threats.

Definitions

The following words and terms related to drills and exercises shall have the following meanings, unless the context clearly indicates otherwise. These definitions do not apply to an active threat exercise, which is defined in Education Code 37.1141 [see Active Threat Exercises, below].

Active aggressor: An individual actively engaged in killing or attempting to kill people in a confined and populated area.

Drill: A set of procedures that test a single, specific operation or function. Drills do not include persons role playing as active aggressors or other simulated threats. Drill examples include evacuating for a fire or locking down from an internal threat.

Evacuation drill: A response action schools take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

Exercise: An instrument to train for, assess, practice, and improve performance in mitigation, prevention, preparedness, response, and recovery in a risk-free environment. While drills and exercises may overlap in some aspects, discussion-based and operation-based exercises are often more in depth and multi-faceted.

Fire evacuation drill: A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

Full-scale exercise: Typically the most complex and resource-intensive type of exercise. It involves multiple agencies, organizations, and jurisdictions and validates many facets of preparedness. This exercise often includes many players operating under cooperative systems such as the Incident Command System (ICS) or Unified Command. Resources and staff are mobilized as needed. All actions are taken as if the emergency is real. A full-scale exercise is the most time-consuming activity in the exercise continuum and is a multiagency, multijurisdictional effort in which all resources are deployed. A full-scale exercise tests collaborations among the agencies and participants, public information systems, communication systems, and equipment. An Emergency Operations Center is established by either law enforcement or fire services, and the ICS is activated. Because of all the logistics and resources needed for

a full-scale exercise, it often takes a year to plan and is not held often. Usually, a school district is not the organizer of such an exercise, but the district or school would play a critical role in both function and potential facility use.

Functional exercise: Designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions. A functional exercise is typically focused on exercising plans, policies, procedures, and staff members involved in management, direction, command, and control functions. It allows participants to practice their specific roles or functions in an emergency. This type of exercise is conducted in a realistic, real-time simulated environment and often includes simulators (individuals who assist with the facilitation of the exercise) and follows a master scenario events list that dictates additional information, occurrences, or activities that affect the exercise scenario.

Lockdown drill: A response action schools take to secure interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all school students, staff, and visitors are secured away from immediate danger.

Secure drill: A response action schools take to secure the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. This type of drill uses the security of the physical facility to act as protection to deny entry.

Seminar exercise: A discussion-based exercise designed to orient participants to new or updated plans, policies, or procedures through informal discussions. Seminar exercises are often used to impart new information and formulate new ideas.

Shelter-in-place for hazardous materials (hazmat) drill: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Examples of a shelter-in-place for hazmat drill include train derailment with chemical release or smoke from a nearby fire.

Shelter for severe weather drill: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

Tabletop exercise: A small group discussion that walks through a scenario and the courses of action a school will need to take before, during, and after an emergency to lessen the impact on the school community. Participants problem-solve together through a detailed discussion of roles, responsibilities, and anticipated courses of action. A tabletop exercise leverages a defined scenario to direct discussion and may need an experienced facilitator depending on the complexity and objectives of the exercise.

Workshop exercise: A type of discussion-based exercise focused on increased participant interaction and achieving or building a product (e.g., plans or policies). A workshop exercise is typically used to test new ideas, processes, or procedures; train groups in coordinated activities; and obtain consensus. A workshop exercise often uses breakout sessions to explore parts of an issue with smaller groups.

Frequency

Education Code 37.114(2) requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither 19 Administrative Code 103.1209, nor the law, precludes a district from conducting more drills as deemed necessary and appropriate by the district. Following is the required minimum frequency of drills by type:

1. Secure drill — One per school year.
2. Lockdown drill — Two per school year (once per semester).
3. Evacuation drill — One per school year.
4. Shelter-in-place for hazmat drill — One per school year.
5. Shelter for severe weather drill — One per school year.
6. Fire evacuation drill — Districts should consult with their local fire marshal and comply with their local fire marshal's requirements and recommendations. If a district does not have a local fire marshal, it shall conduct four per school year (two per semester).

Best Practices

For more information about best practices for conducting drills and exercises, refer to Texas School Safety Center (TxSSC) guidance.

Drills and exercises should be designed and conducted in accordance with guidance and best practice resources provided by the TxSSC.

Drill and exercise design should include purpose, goals, and objectives that are stated in plans for each type of drill. Purpose, goals,

and objectives should be developed with input from all sectors of the school community. Input in planning should be sought from multiple stakeholder perspectives for each type of drill and exercise, including from:

1. The district School Safety and Security Committee;
2. First responders;
3. Mental and behavioral health professionals;
4. Students and families; and
5. Staff, including nontraditional teachers, coaches, trade instructors, custodians, and food service workers.

Drill and exercise design elements should include:

1. Physical and psychological safety for all participants;
2. Planning in a trauma-informed manner to maximize learning and to minimize potential trauma for students and staff;
3. Providing advance notification of drills and exercises;
4. Planning for post-drill or after-action reviews of each drill and exercise; and
5. Ensuring drills and exercises are age and developmentally appropriate with the understanding that more complex drills and exercises will require a hierarchy of learning to achieve or obtain more advanced goals or objectives.

Exercises tend to be more complex than drills and should be conducted in accordance with guidance and resources provided by the TxSSC. It is imperative that districts conduct exercises that match their experience and capabilities. It is usually best to start with discussion-based exercises and work up to operation-based exercises over time. Discussion-based exercises include seminar exercises, tabletop exercises, and workshop exercises. Operation-based exercises include functional exercises and full-scale exercises. Exercises can be used for:

1. Testing and validating policies, plans, procedures, training, equipment, and interagency agreements;
2. Clarifying and training personnel in roles and responsibilities;
3. Improving interagency coordination and communications;
4. Identifying gaps in resources;
5. Improving individual performance; and

6. Identifying opportunities for improvement.

19 TAC 103.1209; Education Code 37.114

Active Threat Exercises

Not Mandatory

A district that elects to conduct an active threat exercise, defined as any exercise that includes a simulated active aggressor or an active shooter simulation, shall do so in accordance with Education Code 37.1141 and 19 Administrative Code 103.1211.

Districts are not required to conduct active threat exercises.

Districts may consider using a tabletop exercise as defined in 19 Administrative Code 103.1209 [see Mandatory Drills, above] to achieve the purpose, goals, and objectives of the exercise rather than using a functional or full-scale active threat exercise.

Districts may consider conducting an active threat exercise during a noninstructional time when nonparticipants are not present in the facility.

19 TAC 103.1211(a)(1), (2)

Adequate Notice

Prior to conducting an active threat exercise, a district must:

1. Provide adequate notice of the exercise directly to individuals participating in the exercise, parents of students participating in the exercise, and all other individuals impacted by the exercise. Adequate notice of the active threat exercise shall also be posted through multiple distribution networks, including, but not limited to, the district's website and social media platforms.
    a. To be considered adequate notice, notice shall be provided and posted at least two weeks prior to the exercise.
    b. The notice shall include the following required elements specified in Education Code 37.1141(a)(1):
        (1) The date on which the exercise will occur;
        (2) The content, form, and tone of the exercise; and
        (3) Whether the exercise will include a live simulation that mimics or appears to be an actual shooting incident.
    c. The notice shall be provided to parents in the parents' native language to the greatest extent practicable; and
2. Make an audible announcement over the campus public address system immediately prior to the commencement of the

exercise to signal the start of the exercise to the participants, noting that it is only an exercise and not a real emergency. If applicable, the announcement must state that the exercise will include a live simulation that mimics or appears to be an actual threat, such as a shooting incident.

19 TAC 103.1211(b)(1), (2); Education Code 37.1141(a)(1), (2)

Notice to First Responders and Creation of Safe Zone

Before a district may conduct an active threat exercise, a district shall ensure that:

1. First responder organizations that would likely respond in the event of a false report or alarm are notified regarding the exercise; and

2. A safe zone is created around the area in which the exercise will be conducted to keep out actual firearms, ammunition, and other weapons, other than firearms, ammunition, or other weapons carried by a peace officer, school resource officer, or school marshal or any other person authorized by the district to carry those items on school grounds.

Item 2 above may not be construed to prohibit a parent, legal guardian, or other person acting on a parent's or legal guardian's behalf from transporting or storing in the person's motor vehicle a firearm, ammunition, or other weapon that the person is legally authorized to possess while the person is picking up a child from school.

Education Code 37.1141(a)(3), (4)

Content

Before a district may conduct an active threat exercise, a district shall ensure that the content of the exercise:

1. Is age appropriate and developmentally appropriate;

2. Has been developed by a team of school administrators, teachers, school-based mental health professionals, and law enforcement officers, with input from parents and students; and

3. Is designed to support the well-being of students who participate in the exercise before, during, and after the exercise is conducted.

A district must ensure that the content of the exercise, which includes planning and execution of the exercise, addresses the following elements:

1. Input from multiple stakeholder perspectives in the design of the exercise;

2. The physical and psychological safety of all participants before, during, and after the exercise, including:

    a. Planning in a trauma-informed manner to minimize potential trauma for students, staff, and other participants;

    b. The development and communication of a predetermined method for participants to withdraw from the exercise before or during the exercise; and

    c. Access to mental health supports before, during, and after the exercise; and

3. The developmental appropriateness of the exercise, which includes a comprehensive perspective that supports the cognitive and emotional well-being of each individual and considers the impact that prior trauma, grief, and crisis experiences have had on a participant's development prior to the exercise. Developmental appropriateness considerations include the needs of special populations, including students with disabilities and emergent bilingual students.

Education Code 37.1141(a)(5); 19 TAC 103.1211(b)(3)

Data Collection

In accordance with Education Code 37.1141(c), data regarding the efficacy and impact of an active threat exercise shall be collected and submitted to the TxSSC using the methods developed by the TxSSC. *19 TAC 103.1211(c); Education Code 37.1141(a)(6), (c)*

Eye and Face Protection

Required Devices

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by district policy. *Education Code 38.005*

Recommended Guidelines

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (TDSHS) recommends the guidelines entitled "Eye and Face Protection," available at 29 C.F.R. 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools, TDSHS recommends the guidelines entitled "Non-mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection," available at 29 C.F.R. Part 1910, Subpart I, Appendix B.

Application

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;

2. The use of hot liquids or solids;

3. The use of molten materials;
4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

25 TAC 295.141–.142

Emergency Operations Plan

The Superintendent shall ensure updating of the District's emergency operations plan and ongoing staff training.

As required by law, the emergency operations plan shall include the District's procedures addressing:

1. Reasonable security measures when District property is used as a polling place;
2. Response to an active shooter emergency;
3. Response to a nearby train derailment, as applicable; and
4. Access to campus buildings and materials necessary for a substitute teacher to carry out the duties of a District employee during an emergency or an emergency drill.

Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)–(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

No Appeal

The amount of the allotment determined by the commissioner is final and may not be appealed. *19 TAC 66.1307(d)*

Delayed Publisher Payment Option

A district may requisition and receive state-adopted instructional materials before allotment funds for those materials are available. The total cost of delayed-payment-option materials requisitioned may not exceed 80 percent of the district's expected allotment for the subsequent biennium.

When a district submits a requisition for instructional materials under this provision, the Texas Education Agency (TEA) will expend a district's existing allotment balance before applying the delayed payment option. TEA will make payment for any remaining balance for a district's order as the allotment funds become available and

will prioritize payment for requisitions under this provision over reimbursement of purchases made directly by a district.

19 TAC 66.1312(a)–(e)

The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. *Education Code 31.0215(d)*

Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline individual orders or orders from individual districts. *19 TAC 66.1312(f); Education Code 31.0215(d)*

Government Code Chapter 2251 (payments for goods and services) does not apply to requisitions under this provision. *Education Code 31.0215(e); 19 TAC 66.1312(g)*

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

High-enrollment growth adjustments will be based on the difference between the district's percentage of enrollment growth and that of the state. Enrollment growth calculations will be determined each fiscal year based on fall Texas Student Data Systems Public Education Information Management System (TSDS PEIMS) enrollment data. The amount of the adjustment determined by the commissioner is final and may not be appealed.

If sufficient funds are available, high-enrollment growth adjustments will be granted once each fiscal year. Notwithstanding this, a district that experiences an unexpected growth:

1. Of at least two percent due to a natural or man-made disaster or catastrophic event may apply for additional allotment funding at any time during a fiscal year.
2. In its bilingual population of at least ten percent in any school year may apply for additional bilingual allotment funding at any time during a fiscal year.

Any additional funding will be dependent on the availability of funds.

The per-student high-enrollment growth adjustment granted in the second year of a biennium shall not exceed one-half of the per-student amount established as the biennial allotment.

19 TAC 66.1309

Permitted Expenditures

Each district's allotment funds must be expended according to the following priorities established in Education Code 31.0211:

1. First, instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Education Code 28.002; and
2. Then, any other instructional materials or allowed technological equipment.

Maintaining the priorities above, the allotment funds may be used to pay for:

1. Instructional materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Versions of non-adopted instructional materials that are fully accessible to students with disabilities;
7. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;

8. Supplemental instructional materials, as provided by Education Code 31.035;

9. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;

10. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;

11. Activities related to the local review and adoption of instructional materials;

12. Technological equipment that contributes to student learning, including equipment that supports the use of instructional materials;

13. Training educational personnel directly involved in student learning in the appropriate use of instructional materials;

14. Providing access to technological equipment for instructional use;

15. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning;

16. Inventory software or systems for storing, managing, and accessing instructional materials;

17. Software for analyzing the use and effectiveness of instructional materials;

18. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;

19. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment to ensure internet access; and

20. Training for personnel in the electronic administration of assessment instruments.

The allotment funds may not be used to pay for:

1. Services for installation;

2. The physical conduit that transmits data such as cabling and wiring or electricity, except to the extent allotment funds are

necessary to pay for allowable expenses under items 18 and 19, above;

3. Office and school supplies;

4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;

5. Travel expenses; or

6. Equipment used for moving or storing instructional materials.

19 TAC 66.1307(e)–(g); Education Code 31.0211(c)

Technological Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and

2. Consider the long-term cost of ownership and flexibility for innovation.

Education Code 31.0211(d-1)

Certification of Allotment

A district shall annually certify to the commissioner that the district's allotment has been used only for permitted expenses. *Education Code 31.0213*

Instructional Materials and Technology Account

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The district shall submit to the commissioner a request for funds for this purpose from the district's account in accordance with the commissioner's rules.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

Education Code 31.0212

Access to Allotment

The allotment for each biennium will be made available for district use through the state's online instructional material ordering system as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated. A district may access its allotment for any upcoming school year upon completion of:

1. Submission to the commissioner certification that:
    a. The district has instructional materials that cover all the required Texas Essential Knowledge and Skills (TEKS), except those for physical education, as required by Education Code 31.004 [see Certification of Instructional Materials, below]; and
    b. The district has used its allotment for only allowable expenditures [see Permitted Expenditures and Certification of Allotment Use, above]; and
2. Preparation by TEA of the state ordering system for the new school year with the new allotment amounts.

Upon completion of these requirements, a district may access its funds by correctly providing all information required in the state ordering system.

19 TAC 66.1307(h)–(j)

Online Requisition System

The commissioner shall maintain an online requisition system for districts to requisition instructional materials to be purchased with the district's allotment. *Education Code 31.101(f)*

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Requisitions, Use, and Distribution

A district shall make a requisition for instructional materials using the online requisition program maintained by the commissioner. A district may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

Supplemental Instructional Materials

A district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list adopted under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

Availability of Open Education Resource Instructional Materials

A district that selects open education resource instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Employee Training

The board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the allotment and the use of the instructional materials ordering system known as EMAT. Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. *19 TAC 66.107(d)*

Special Instructional Materials

All laws and rules applying to instructional materials provided to students with no disabilities that are not in conflict with Education Code 31.028 or 19 Administrative Code 66.1311 shall apply to the distribution and control of special instructional materials. Special instructional materials include braille, large-print, and audio books and any other formats designed specifically to provide equal access to students with disabilities.

Requisitions for special instructional materials shall be based on actual student enrollment but may include up to two copies per student if necessary to meet individual need.

Special instructional materials are the property of the state. A district is responsible for replacing or reimbursing the state for lost, stolen, or damaged special instructional materials.

For Teachers — Adopted instructional materials needed by a teacher with a print disability to carry out his or her instructional duties shall be furnished in the required format without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed.

For Parents — Adopted instructional materials in a specialized format that are requested by a parent with a print disability shall be furnished without cost by the state. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws, including those that forbid reproduction of the files and their transfer to other parties. All specialized instructional material formats and electronic files that have been provided must be returned to the local school district at the end of the school year.

19 TAC 66.1311(a)–(d), (h), (j)

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium. *Education Code 31.029; 19 TAC 66.1307(c)*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that for each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level, the district provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Materials adopted or purchased by the commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;
3. Open education resource instructional materials submitted by eligible institutions and adopted by the SBOE;

4. Open education resource instructional materials made available by other public schools;

5. Instructional materials developed or purchased by the district; and

6. Open education resource instructional materials and other electronic instructional materials included in the repository under Education Code 31.083.

Each district shall certify, in a format approved by the commissioner, that the district protects against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 U.S.C. 254(h)(5)(B) and (C). [See CQ]

The certifications shall be ratified by the board in a public, noticed meeting.

Education Code 31.004; 19 TAC 66.105

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which open education resource instructional material that a district does not intend to use for another student is distributed, the printed copy of the open education resource instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the

student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(d), (e), (h); 19 TAC 66.107(c) [See also EF]

Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials — A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of open education resource instructional material. *Education Code 31.104*

Sale or Disposal — The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale — The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

Use of Proceeds — Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal — The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

Annual Inventory — A district shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the district. The results of the inventory shall be recorded in the district's files. *19 TAC 66.107(a)*

Local Handling Expenses — School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(d)*

Information Required on Website

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Gov't Code 2051.201

Note: See GBA regarding the confidentiality of certain board member information.

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Other Required Internet Postings

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]

2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]

3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]

4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]

5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]

6. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]

9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]

10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]

11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]

12. A district shall post an election notice required under Election Code 85.007. [See BBBA]

13. A district shall post election information under Election Code 4.009. [See BBBA]

14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

16. A district shall post election results under Election Code 65.016. [See BBBB]

17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

18. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]

19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]

23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]

26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]

27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

28. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]

29. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

30. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]

31. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

32. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]

33. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

34. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1–.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

35. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]

36. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]

37. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

38. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

39. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]

40. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

41. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

42. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]

43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]

44. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]

45. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]

46. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]

47. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]

48. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

49. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

50. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

51. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]

52. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

53. Each school year, the board shall post a summary of the Guidelines for the Care of Students With Food Allergies At-Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

54. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]

55. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]

56. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

57. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]

58. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code

552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

59. A board that allows requestors to use the public information request form created by the attorney general must post the form on the district website under Government Code 552.235. [See GBAA]

60. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]

2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]

3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]

4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]

5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]

6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information

about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

---

[1] TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis: https://www.dshs.texas.gov/schoolhealth/pdf/FoodAllergyGuide.pdf

Definitions

Participating Entity — "Participating entity" means an entity participating in the uniform group coverage program established under Insurance Code Chapter 1579.

Program — "Program" means the uniform group coverage program established under Insurance Code Chapter 1579 (TRS-ActiveCare).

Insurance Code 1579.002(5), (6)

Coverage Requirements

A district shall participate in the uniform group coverage program established under Insurance Code Chapter 1579 as provided by Subchapter D of that chapter. *Education Code 22.004(a)*

Districts with 500 or Fewer Employees — Each district with 500 or fewer employees is required to participate in the program. *Insurance Code 1579.151(a)*

Self-Funded Districts — Notwithstanding the above, a district otherwise subject to the requirement that, on January 1, 2001, was individually self-funded for the provision of health coverage to its employees may elect not to participate in the program. *Insurance Code 1579.151(b)*

Districts with More Than 500 Employees — A district with more than 500 employees may elect to participate in the program. A district that elects to participate shall apply for participation in the manner prescribed by TRS rule. *Insurance Code 1579.152*

TRS-ActiveCare

The Teacher Retirement System (TRS) shall implement and administer the uniform group coverage program described by Insurance Code Chapter 1579. TRS shall establish plans of group coverages for employees participating in the program and their dependents. *Insurance Code 1579.051, .101*

Eligibility — Participation in the program is limited to employees of participating districts who are full-time employees and to part-time employees who are participating members in TRS. *Insurance Code 1579.202(a)*

Full-Time Employees — A "full-time employee" is a participating member who:

1. Is currently employed by a district;
2. Is employed in a position that is eligible for membership in TRS; and
3. Is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under the Texas Employees Group Benefits Act (Insurance Code Chapter 1551), or the State University Employees Uniform Insurance Benefits Act (Insurance Code Chapter 1601) or the Texas Public School Retired Employees Group Benefits Act (Insurance Code Chapter 1575, also known as TRS-Care).

An individual who is eligible to Medicare, and meets the criteria in 1 and 2, above, will be considered a full-time employee.

34 TAC 41.33(2)

Certain Part-Time Employees

A part-time employee of a district who is not a participating member in TRS is eligible to participate in the program only if the employee pays all of the premiums and other costs associated with the health coverage plan selected by the employee. *Insurance Code 1579.204*

A "part-time employee" is an individual who:

1. Is currently employed by a district for ten hours or more each week;

2. Is employed in a position that is not eligible for membership in TRS or is not eligible for membership in TRS because of a service or disability retirement; and

3. Is not receiving coverage as an employee or retiree from a uniform group insurance or health benefits program under the Texas Employees Group Benefits Act (Insurance Code Chapter 1551) or the State University Employees Uniform Insurance Benefits Act (Insurance Code Chapter 1601) or the Texas Public School Retired Employees Group Benefits Act (Insurance Code Chapter 1575, also known as TRS-Care).

An individual who is eligible to Medicare, and who meets the criteria of 1 and 2, above, will be considered a part-time employee.

34 TAC 41.33(6)

Alternative Group Health Coverage Prohibited

Notwithstanding any other law, a participating entity may not offer or make available to the entity's employees or their dependents group health coverage not provided under the program. *Insurance Code 1579.1045; 34 TAC 41.30(e)*

If, contrary to 34 Administrative Code 41.30(e) and Insurance Code 1579.1045, a participating entity offers alternative group health coverage, TRS may pursue remedies for noncompliance, including but not limited to removal from or denial of entry into TRS-ActiveCare. TRS may impose or pursue one or more remedies. The pursuit of one remedy does not constitute a waiver of any other remedy that TRS may have at law or equity. If TRS discovers that a participating entity is in violation of 34 Administrative Code 41.30(e) after the beginning of a plan year, in addition to any other available remedy, TRS will remove the entity from the program effective at the end of the month in which TRS discovers the situation; and it will be the entity's liability to procure alternative

coverage or provide other remedies for the employees and their dependents that lose coverage under these circumstances. *34 TAC 41.30(f)*

Participation Election

Election to Discontinue

Effective September 1, 2022, a participating entity may elect to discontinue the entity's participation in the program by providing written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective.

A participating entity that elects to discontinue participation in the program may not elect to:

1. Participate in the program until the fifth anniversary of the effective date of the entity's election to discontinue participation; or

2. Discontinue the entity's participation after an election described by item 1 until the fifth anniversary of the effective date of that election.

Election to Continue

Effective September 1, 2022, an entity that elects to participate in the program shall provide written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective. The entity may not elect to discontinue the entity's participation until the fifth anniversary of the effective date of the entity's election to participate.

Insurance Code 1579.155; 34 TAC 41.30

An eligible entity that submits a written election to participate in TRS-ActiveCare under 34 Administrative Code 41.30 must include with the notice of election the information specified in 34 Administrative Code 41.45. Written notices of election to participate in TRS-ActiveCare without the information required will be considered incomplete and will be denied by TRS. *34 TAC 41.45*

Optional Coverages

Education Code 22.004 does not preclude a district that is participating in the uniform group coverage program established under Insurance Code Chapter 1579 from entering into contracts to provide optional insurance coverages for district employees. *Education Code 22.004(j)*

Other Health Coverage Programs

A district that does not participate in the program shall make available to its employees group health coverage provided by a risk pool established by one or more districts under Local Government Code Chapter 172 ("authorized risk pool"), or under a policy of insurance or group contract issued by an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization under Insurance Code Chapter 843.

Comparability

The coverage provided by a district that does not participate in the program must meet the substantive coverage requirements of Insurance Code Chapter 1251, Subchapter A, Chapter 1364, and Chapter 1366, Subchapter A, and any other law applicable to group health insurance policies or contracts issued in this state. The coverage must include major medical treatment but may exclude experimental procedures. “Major medical treatment” means a medical, surgical, or diagnostic procedure for illness or injury. The coverage may include managed care or preventive care and must be comparable to the basic health coverage provided under Insurance Code Chapter 1551 (Texas Employees Group Benefits Act).

The following factors shall be considered in determining whether the district's coverage is comparable to the basic health coverage specified above:

1. The deductible amount for service provided inside and outside of the network;
2. The coinsurance percentages for service provided inside and outside of the network;
3. The maximum amount of coinsurance payments a covered person is required to pay;
4. The amount of the copayment for an office visit;
5. The schedule of benefits and the scope of coverage;
6. The lifetime maximum benefit amount; and
7. Verification that the coverage is issued by a provider licensed to do business in this state by the Texas Department of Insurance (TDI) or is provided by an authorized risk pool or that a district is capable of covering the assumed liabilities in the case of coverage provided through district self-insurance.

Education Code 22.004(b)

Financial Statement

A district that does not participate in the program may not contract with an insurer, a company subject to Insurance Code Chapter 842, or a health maintenance organization to issue a policy or contract under Education Code 22.004, or with any person to assist the district in obtaining or managing the policy or contract unless, before the contract is entered, the insurer, company, organization, or person provides the district with an audited financial statement showing the financial condition of the insurer, company, organization, or person. *Education Code 22.004(f)*

Small Employer Market Election

A district may elect to participate as a small employer without regard to the number of employees in the district. A district that makes this election is treated as a small employer under Insurance Code Chapter 1501 for all purposes.

A district that is participating in the uniform group coverage program established under Insurance Code Chapter 1579 may not participate in the small employer market under this provision and may not renew a health insurance contract obtained in accordance with this provision after the date on which the program of coverages provided under Chapter 1579 is implemented. This provision does not affect a contract for the provision of optional coverages not included in a health benefit plan under Insurance Code Chapter 1501.

Insurance Code 1501.009

Employee Election — Spouses

A district employee who is eligible for coverage under a large or small employer health benefit plan providing coverage to the district's employees and who is the spouse of another district employee covered under the plan may elect whether to be treated under the plan as an employee or as the dependent of the other employee. *Insurance Code 1501.0095*

Self-Funded Health-Care Plan

The board may establish a health-care plan for district employees and their dependents. In implementing the plan, the board shall establish a fund to pay, as authorized under the plan, all or part of the actual costs for hospital, surgical, medical, dental, or related health care incurred by employees or any dependent whose participation in the program is being supported by deductions from an employee's salary. Under the plan, the fund also may be used to pay the costs of administering the fund. The fund consists of money contributed by the district and money deducted from salaries of employees for dependent or employee coverage. Money for the fund may not be deducted from an employee's salary unless the employee authorizes the deduction in writing. The plan shall attempt to protect the district against unanticipated catastrophic individual loss, or unexpectedly large aggregate loss, by securing individual stop-loss coverage, or aggregate stop-loss coverage, or both, from a commercial insurer.

The board may amend or cancel the district's health-care plan at any regular or special board meeting. If the plan is canceled, any valid claim against the fund for payment of health-care costs resulting from illness or injury occurring during the time the plan was in effect shall be paid out of the fund. If the fund is insufficient to pay

the claim, the costs shall be paid out of other available district funds.

Education Code 22.005

Compliance Report

Each district that does not participate in the program shall prepare a report addressing its compliance with Education Code 22.004. The report must be available for review, together with the policy or contract for the group health coverage plan, at the central administrative office of each campus in the district and be posted on the district's internet website if the district maintains a website, must be based on the district group health coverage plan in effect during the current plan year, and must include:

1. Appropriate documentation of:
    a. The district's contract for group health coverage with a provider licensed to do business in this state by TDI or an authorized risk pool; or
    b. A resolution of the board authorizing a self-insurance plan for district employees and of the district's review of district ability to cover the liability assumed;
2. The schedule of benefits;
3. The premium rate sheet, including the amount paid by the district and employee;
4. The number of employees covered by the health coverage plan offered by the district; and
5. Information concerning the ease of completing the report.

Education Code 22.004(d)

Cost of Coverage

The cost of coverage under the program shall be paid by the state, the district, and the employees in the manner provided by Insurance Code Chapter 1579, Subchapter F, below. *Education Code 22.004(c)*

TRS-ActiveCare

State Contribution

The state shall provide for each covered employee the amount of $900 each state fiscal year or a greater amount as provided by the General Appropriations Act. The state contribution shall be distributed through the school finance formulas under Education Code Chapters 48 and 49 and used by districts as provided by Education Code 48.275*. Insurance Code 1579.251(a)*

Employee Contribution

An employee covered by the program shall pay that portion of the cost of coverage selected by the employee that exceeds the amount of the state contribution and a district’s contribution.

District Contribution

A district may pay any portion of what otherwise would be the employee share of premiums and other costs associated with the coverage selected by the employee.

Insurance Code 1579.253

A district shall make contributions for the program as provided by Insurance Code Chapter 1581. *Insurance Code 1579.252* [See District Required Minimum Effort, below]

Other Health Coverage Programs

The cost of coverage under a plan adopted by a district that does not participate in the program shall be shared by the employees and the district, using the contributions by the state described by Insurance Code Chapter 1579, Subchapter F. [See State Contribution, above] *Education Code 22.004(c)*

District Required Minimum Effort

A district shall, for each fiscal year, use to provide health coverage an amount equal to the number of participating employees of the district multiplied by $1,800. *Insurance Code 1581.052(a)*

Designation of Compensation for Benefits

An employee who is covered by a cafeteria plan or who is eligible to pay health-care premiums through a premium conversion plan may elect to designate a portion of the employee's compensation to be used as health-care supplementation. [See DEA] *Education Code 22.103(a), (c)*

Use

An employee may use compensation designated for health-care supplementation for any employee benefit, including depositing the designated amount into a cafeteria plan in which the employee is enrolled or using the designated amount for health-care premiums through a premium conversion plan. *Education Code 22.106*

Written Election

Each year, an active employee must elect in writing whether to designate a portion of the employee's compensation to be used as health-care supplementation. An election must be made at the same time that the employee elects to participate in a cafeteria plan, if applicable. *Education Code 22.105*

Continuation Coverage

After Resignation

Notwithstanding any other law, an employee whose resignation is effective after the last day of an instructional year is entitled to participate or be enrolled in the uniform group coverage plan or the district's group health coverage through the earlier of:

1. The first anniversary of the date participation in or coverage under the uniform group coverage plan or the group health coverage was first made available to district employees for the last instructional year in which the employee was employed by the district; or

2. The last calendar day before the first day of the instructional year immediately following the last instructional year in which the employee was employed by the district.

If an employee's resignation is effective after the last day of an instructional year, the district may not diminish or eliminate the amount of a contribution available to the employee under Insurance Code Chapter 1581 [see District Required Minimum Effort, above] before the last date on which the employee is entitled to participation or enrollment.

Education Code 22.004(k), (l); 34 TAC 41.38

During Military Leave

An employee who is absent from a position of employment by reason of service in the uniformed services may elect to continue coverage under a health plan. The maximum period of coverage of such a person and the person's dependents shall be the lesser of:

1. The 24-month period beginning on the date on which the person's absence begins; or

2. The day after the date on which the person fails to apply for or return to a position of employment. [See DECB]

38 U.S.C. 4317(a)

During FMLA Leave

During any period of leave under the Family and Medical Leave Act (FMLA), a district shall maintain coverage under any group health plan for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. *29 U.S.C. 2614(c); 29 C.F.R. 825.209, .210, .213* [See also DECA]

Upon Termination or Other Qualifying Event (COBRA)

In accordance with regulations that the Secretary of Health and Human Services shall prescribe, each group health plan that is maintained by any state that receives funds under 42 U.S.C. Chapter 6A, by any political subdivision of such a state, or by any agency or instrumentality of such a state or political subdivision, shall provide, in accordance with 42 U.S.C. Chapter 6A, Subchapter XX, that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the plan, to elect, within the election period, continuation coverage under the plan. *42 U.S.C. 300bb-1(a)*

[For more information on the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), see 42 U.S.C. 300bb-1 through 300bb-8.]

Note: See DEB for continuation benefits that are available to survivors of district peace officers under certain conditions.

Coverage of Preexisting Conditions

Notwithstanding any other law, group health benefit coverage provided by or offered through a district to its employees under any law other than the uniform group coverage program is subject to the requirements of Insurance Code Sections 1501.102–.105, which limit exclusion for preexisting conditions. This provision applies to all group health benefit coverage provided by or offered through a district to its employees, including a standard health benefit plan issued under Insurance Code Chapter 1507 and health and accident coverage provided through a risk pool established under Local Government Code Chapter 172. *Education Code 22.004(m)*

TRS-ActiveCare

Coverage provided under the uniform group coverage program may not be made subject to a preexisting condition limitation during the initial period of eligibility*. Insurance Code 1579.105*

Federal Law

A group health plan and a health insurance issuer offering group or individual health insurance coverage may not impose any preexisting condition exclusion with respect to such plan or coverage. *42 U.S.C. 300gg-3(a)*

Privacy of Health Information

To the extent a district is a covered entity under the Administrative Simplification provisions of HIPAA (42 U.S.C. Chapter 7, Subchapter XI, Part C; 45 C.F.R. Parts 160, 162, 164), the district must maintain the privacy of protected health information in accordance with the Privacy Rule, 45 C.F.R. Part 164, Subpart E.

Definitions

“Covered entity” means:

Covered Entity

1. A health plan;
2. A health-care clearinghouse; or
3. A health-care provider who transmits any health information in electronic form in connection with a transaction covered by 45 C.F.R. Subtitle A, Subchapter C.

45 C.F.R. 160.103

Protected Health Information

“Protected health information” means individually identifiable health information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any form or medium. “Protected health information” excludes individually identifiable health information:

1. In education records covered by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g. [See FL]
2. In records described at 20 U.S.C. 1232g(a)(4)(B)(iv) (medical treatment records on a student who is at least 18 years of age).
3. In employment records held by a covered entity in its role as employer.

45 C.F.R. 160.103

Purpose

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.

A district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. In providing instruction required by the State Board of Education under Education Code 28.002(h-1), regarding the founding documents of the United States, a district shall use those documents as part of the instructional materials for the instruction.

Education Code 28.002(h), (h-6)

Required Curriculum

Foundation Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

Enrichment Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
    a. Physical health, including the importance of proper nutrition and exercise;
    b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
    c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
3. Physical education;
4. Fine arts;
5. Career and technical education;
6. Technology applications;
7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Positive Character Traits

Districts are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.3(a), .5(a), .7(a), .9(a)

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

Local Instructional Plan

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

Education Code 28.002(g)

Common Core State Standards

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

Scope and Sequence

In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

Coordinated Health Programs

The Texas Education Agency (TEA) shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and

3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

Classification for Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted — not limited in activities.
2. Restricted — excludes the more vigorous activities. Restricted classification is of two types:
    a. Permanent — A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
    b. Temporary — Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial — specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

School Health Advisory Council

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements.]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
    a. Health education in kindergarten through grade 8; and
    b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
    a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
    b. Physical education and physical activity;
    c. Nutrition services;
    d. Parental involvement;
    e. Instruction on substance abuse prevention;
    f. School health services, including mental health services;
    g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
    h. A safe and healthy school environment; and
    i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:

a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];

c. A safe and healthy school environment; and

d. School employee wellness;

5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;

6. Strategies to increase parental awareness regarding:

a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

7. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and

8. Appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local SHAC's recommendations under this provision do not conflict with the essential knowledge and skills developed by the State Board of Education.

Education Code 28.004(c), (n)

Policy Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students. *Education Code 28.004(l)*

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

Complaints

A parent may use the grievance procedure at FNG concerning a complaint of a violation of Education Code 28.004. *Education Code 28.004(i-1)*

Human Sexuality Instruction

Definitions

"Human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health.

"Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction.

Education Code 28.004(p)

Board Selection

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's deci-

sion regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A statement informing the parent of the human sexuality instruction requirements under state law;
2. A detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;
3. A statement of the parent's right to:
    a. At the parent's discretion, review or purchase a copy of curriculum materials as provided by Education Code 28.004(j) [see EFA];
    b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
    c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's internet website, if the district has an internet website, and the internet website address at which the curriculum materials are located; and
5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

Education Code 28.004(i)

Parent Consent Before Instruction

Before a student may be provided with human sexuality instruction, a district must obtain the written consent of the student's parent. A request for written consent may not be included with any other notification or request for written consent provided to the parent, other than the notice provided under Education Code 28.004(i), described above, and must be provided to the parent not later than the 14th day before the date on which the human sexuality instruction begins. The requirements in this paragraph expire August 1, 2024. *Education Code 28.004(i-2)–(i-3)*

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes

If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX.]

Adoption of Instructional Materials

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's human sexuality instruction. The policy must require:

1. The board to adopt a resolution convening the local SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The local SHAC to:
    a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
    b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the local SHAC's recommendations under item 2, above, to take action on the adoption of the recommendations by a record vote at a public meeting.

Before adopting curriculum materials for the district's human sexuality instruction, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

Education Code 28.004(e)–(e-1), (e-3)

Abuse Prevention Instruction

Any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking shall be selected by the board with the advice of the local SHAC.

Adoption of Instructional Materials

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. The policy must require:

1. The board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials;

2. The SHAC to:

    a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and

    b. Provide the adopted recommendations to the board at a public meeting of the board; and

3. The board, after receipt of the SHAC's recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

Board Selection

Before adopting curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;

2. Suitable for the subject and grade level for which the curriculum materials are intended; and

3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

The board shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including the essential knowledge and skills addressing these topics developed by the State Board of Education.

Education Code 28.004(q)–(q-1), (q-3)–(q-4)

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. If instruction will be provided. The notice must include:

1. A statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;

2. A detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;

3. A statement of the parent's right to:

a. At the parent's discretion, review or purchase a copy of curriculum materials [see below at Availability of Instructional Materials];

b. Remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;

4. A statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, dating violence, and sex trafficking must be posted on the district's internet website address at which the curriculum materials are located; and

5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including information regarding the local SHAC.

Parent Consent Before Instruction

Before a student may be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, a district must obtain the written consent of the student's parent. A request for written consent:

1. May not be included with any other notification or request for written consent provided to the parent, other than the notice described above; and

2. Must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

Education Code 28.004(q-5)–(q-6)

Availability of Materials for Human Sexuality Instruction and Abuse Prevention Instruction

Curriculum materials proposed to be adopted for the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking must be made available as provided below, except copyrighted materials must be provided as described by items (2)(a) or (2)(c), as applicable.

A district shall make all curriculum materials used in human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking available by:

1. For curriculum materials in the public domain:
    a. Providing a copy of the curriculum materials by mail or email to a parent of a student enrolled in the district on the parent's request; and
    b. Posting the curriculum materials on the district's internet website, if the district has an internet website; and
2. For copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:
    a. Review the curriculum materials at the student's campus at any time during regular business hours;
    b. Purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials; or
    c. Review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

For purchase agreements entered into, amended, or renewed on or after September 1, 2021, if a district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

If a district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

Education Code 28.004(e-2), (j)–(j-2), (q-2)

Character Education

A district must adopt a character education program that includes the following positive character education traits and personal skills:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
8. Good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

Essential Knowledge and Skills

A district that offers kindergarten through grade 5 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1 (Essential Knowledge and Skills).

A district shall ensure that sufficient time is provided for teachers to teach and students to learn English language arts, mathematics, science, social studies, fine arts, health, physical education, technology applications, and to the extent possible, languages other than English.

19 TAC 74.2

Daily Physical Activity

A district shall require students in kindergarten through grade 5 to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l)

Grade 6 Fine Arts

A district that provides instruction for grade 6 in a self-contained elementary class as part of elementary school shall provide instruction for students in grade 6 in all of the Middle School 1 TEKS for art, dance, music, and theatre as specified in 19 Administrative Code Chapter 117. *Education Code 28.002(c-1); 19 TAC 74.2(b)*

Kindergarten–Grade 3 Reading Program

Each district shall adopt a phonics curriculum for kindergarten–grade 3 in accordance with 19 Administrative Code 74.2001. A phonics program that does not meet all criteria in 19 Administrative Code 74.2001(b)(1) may be used by a district if the program has a strong evidence base and is used in conjunction with a phonics program that meets all criteria. *19 TAC 74.2001; Education Code 28.0062(a)(1)*

A district shall certify to the Texas Education Agency (TEA) that the district prioritizes placement of highly effective teachers in kindergarten through second grade and has integrated reading instruments used to diagnose reading development and comprehension

to support each student in prekindergarten through third grade. *Education Code 28.0062(a)(3)* [See DMA for early literacy personnel requirements]

Courses in the foundation and enrichment curriculum in grades 6–12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

Grades 6–8

A district that offers grades 6–8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

Physical Activity Requirements

A district shall require students in grades 6–8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

Exemptions

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A "structured activity" is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and

2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)–(l-1); 19 TAC 103.1003

Fine Arts Requirement

The school district must ensure that, beginning with students who enter grade 6 in the 2010–11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

Instruction in High School, College, and Career Preparation

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;

2. The distinguished level of achievement described by Education Code 28.025(b-15);

3. Each endorsement described by Education Code 28.025(c-1);

4. College readiness standards; and

5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board

of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

High School Courses at Earlier Grades

A district may offer courses designated for grades 9–12 in earlier grade levels. *19 TAC 74.26(b)*

Grades 9–12 Course Offerings

A district that offers grades 9–12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. A district shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

A district shall offer the courses listed below in grades 9–12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV, and at least one additional advanced English course.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering.
    a. The requirement to offer two additional courses may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.
    b. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.
4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, Economics with Emphasis on the Free Enterprise System and Its Benefits, and Personal Financial Literacy and Economics. The requirement to offer both Economics with Emphasis on the Free En-

terprise System and Its Benefits and Personal Financial Literacy and Economics may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.

5. Physical education — at least two courses selected from:
    a. Lifetime Fitness and Wellness Pursuits;
    b. Lifetime Recreation and Outdoor Pursuits; or
    c. Skill-Based Lifetime Activities.
6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:
    a. Art I, II, III, IV;
    b. Music I, II, III, IV;
    c. Theatre I, II, III, IV; or
    d. Dance I, II, III, IV.
7. Career and technical education [see EEL] — three or more career and technical education courses for four or more credits with at least one advanced course aligned with a specified number of Texas Education Agency (TEA)-designated programs of study determined by enrollment as follows:
    a. One program of study for a district with fewer than 500 students enrolled in high school;
    b. Two programs of study for a district with 501–1,000 students enrolled in high school;
    c. Three programs of study for a district with 1,001–2,000 students enrolled in high school;
    d. Four programs of study for a district with 1,001–5,000 students enrolled in high school;
    e. Five programs of study for a district with 5,001–10,000 students enrolled in high school; and
    f. Six programs of study for a district with more than 10,000 students enrolled in high school.
8. Languages other than English — Levels I, II, and III or higher of the same language.
9. Computer science — one course selected from Fundamentals of Computer Science, Computer Science I, or Advanced Placement (AP) Computer Science Principles.

10. Speech — Communication Applications.

19 TAC 74.3(b)(2)

A district must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If a district will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact.

A district shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, a district shall either teach the course every year or use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof.

19 TAC 74.3(b)(4)

A district may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

A district may allow a student to enroll concurrently in Algebra I and geometry. *Education Code 28.025(b-6)*

Personal Financial Literacy

Each district shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, a district may use an existing state, federal, private, or nonprofit program that provides students without charge the described instruction. *Education Code 28.0021(b)*

Applied Courses

A school district may offer the foundation curriculum in an applied manner. The courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. *Education Code 28.025(b-4)*

Research Writing Component

For students entering grade 9 beginning with the 2007–08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/ Distinguished Achievement High School Programs include a research writing component. *19 TAC 74.3(b)(5)*

Parenting Awareness Program

A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.

High School

Middle and Junior High School

A district may use the program in the district's middle or junior high school curriculum.

Program Requirements

Implementation of this requirement shall comply with the requirement that the board establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.

A district may add elements at its discretion but must include the following areas of instruction:

1. Parenting skills and responsibilities, including child support;
2. Relationship skills, including money management, communication, and marriage preparation; and
3. Skills relating to the prevention of family violence, only if the district's middle, junior high, or high schools do not have a family violence program.

At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.

Local Programs and Materials

A district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in:

1. Child development;
2. Parenting skills, including child abuse and neglect prevention; and
3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

Parent Permission

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

Alcohol Awareness Instruction

A district shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

A district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and

high school health curriculum from a list of programs approved by the commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

CPR Instruction

For all students who entered grade 7 in the 2010–11 school year and thereafter, a district shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school.

CPR instruction must include training that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association; otherwise, an instructor is not required to be certified in CPR.

Waivers for Students with Disabilities

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR requirement must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code Chapter 29, Subchapter A; or
2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Education Code 28.0023 (c)–(e), (g); 19 TAC 74.38

Donations

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR. A district may accept other donations, including donations of equipment, for use in providing CPR instruction. *Education Code 29.903*

Proper Interaction with a Peace Officer

For any student entering grade 9 in the 2018–19 school year and thereafter, a district shall provide instruction in one or more courses to students in grades 9–12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction may be provided as part of any course or courses and must be provided to each student at least once before graduation from high school.

The instruction must include all the information required by 19 Administrative Code 74.39(b). A district shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the SBOE, and TEA. A district may tailor the instruction developed under this section as appropriate for the district's community. In tailoring the instruction, the district shall solicit input from local law enforcement agencies, driver training schools, and the community.

A district shall clearly indicate on the transcript or academic achievement record the year in which the instruction was provided to the student.

19 TAC 74.39; Education Code 28.012

Admission, Review, and Dismissal Committee

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

Committee Members

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
    a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
    b. Is knowledgeable about the general education curriculum; and
    c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;

9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;

10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;

11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

12. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and

13. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.18 and 300.156.

19 TAC 75.1023(d)(1), 89.1050(c); 20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321;

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)

Regular Education Teacher

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

Parent Involvement

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and
2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)

Alternative Means of Meeting Participation

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district

personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

Meeting at Parent's Request

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Transfer Students

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The timeline for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the timelines established by 19 Administrative Code 89.1011(c) and (e). The timeline for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of

the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the timeline for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

A student with a disability who has an IEP in place from a previous in- or out-of-state district and who enrolls in a new district during the summer is not considered a transfer student for the purposes of this provision or for 34 C.F.R. 300.323(e) or (f). For these students, the new district must implement the IEP from the previous district in full on the first day of class of the new school year or must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

19 TAC 89.1050(j)

Transfer of Records

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)

Students Who Are Homeless or in Substitute Care

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

Individualized Education Program

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state

or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;

11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];

12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];

13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;

14. The date of the meeting;

15. The name, position, and signature of each member participating in the meeting; and

16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by the Texas Education Agency (TEA) under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

IEP Supplement

For each child who was enrolled in a district's special education program during the 2019–20 school year or the 2020–21 school year, the district shall prepare a supplement to be included with the written statement of the IEP. For more information about the re-

quired supplement, see Education Code 29.0052 and the commissioner rules, when adopted. This requirement expires September 1, 2023. *Education Code 29.0052*

Supplemental Special Education Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and

2. Instructions regarding accessing the account.

The supplemental special education services and instructional materials program (SSES) expires September 1, 2024.

Education Code 29.048

A district shall notify parents and guardians of students served by special education of the SSES program and how to apply.

A student's ARD committee may not consider a student's current or anticipated eligibility for any supplemental special education instructional materials or services that may be provided under the SSES program when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

19 TAC 102.1601(i)-(j)

Behavioral Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:

a. The placement of the student in a different educational setting;

b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;

c. A pattern of unexcused absences; or

d. An unauthorized, unsupervised departure from an educational setting; or

2. The safety of the student or others.

19 TAC 89.1055(g); Education Code 29.005(h)

Translation of IEP into Native Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written

translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1050(i)

Autism/Pervasive Developmental Disorder

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;
8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a

statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(e)–(f)

Visual Impairment

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

Collaborative Process

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD

committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

Education Code 29.005(c); 19 TAC 89.1050(g)

Modification of Existing IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)–(F); 34 C.F.R. 300.324(a)(4)–(6)

Teacher Access to IEP

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

Teacher Request to Review IEP

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(d)

Procedural Safeguards

A district shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). *20 U.S.C. 1415(a)*

These procedures shall include the following:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 C.F.R. 300.501*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 C.F.R. 300.502*
3. Protecting the rights of a child when no parent can be identified, a district cannot locate the parents, or the child is a ward of the state, which may include the assignment of an individual to act as a surrogate parent. *34 C.F.R. 300.519*
4. Prior written notice to the parents when a district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 C.F.R. 300.503* [See Prior Notice and Consent, below]
5. Procedures to allow parties to resolve disputes through a mediation process. *34 C.F.R. 300.506*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. [See Dispute Resolution, below] *34 C.F.R. 300.507*
7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). *34 C.F.R. 300.508*

Consent

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

   If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the district is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 C.F.R. 300.9

Language of Notices The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 C.F.R. 300.503(c), .504(d)*

Electronic Delivery of Notices A parent may elect to receive the procedural safeguards notice, prior notice, or notice of due process complaint by electronic mail if a district makes that option available. *34 C.F.R. 300.505*

Notice of Procedural Safeguards A district shall provide a copy of the procedural safeguards to parents only one time a year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

A district may place a current copy of the procedural safeguards notice on its website, if it has one.

Contents of Notice The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;

5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:

    a. The time period in which to file a complaint;

    b. The opportunity for the district to resolve the complaint; and

    c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.

6. The availability of mediation;

7. The child's placement during pendency of any due process proceedings;

8. Procedures for children who are subject to placement in an interim alternative educational setting;

9. Requirements for unilateral placement by parents of children in private schools at public expense;

10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;

11. Civil actions, including the time period in which to file such actions; and

12. Attorneys' fees.

20 U.S.C. 1415(a)–(b), (d); 34 C.F.R. 300.504

Prior Notice and Consent

A district shall provide prior written notice to the parents a reasonable time before the district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of a child or the provision of FAPE to the child. *34 C.F.R. 300.503(a)*

Notice must be provided to the parent in the parent's native language or other mode of communication at least five school days before the school district proposes or refuses the action unless the parent agrees to a shorter time frame. *19 TAC 89.1050(h)*

Contents of Notice

The notice must include:

1. A description of the action proposed or refused by the district;

2. An explanation of why the district proposes or refuses to take the action;

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;

4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;

5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Act (IDEA) rules;

6. A description of other options the admission, review, and dismissal (ARD) committee [see EHBAB] considered and the reasons why those options were rejected; and

7. A description of other factors that are relevant to the district's proposal or refusal.

34 C.F.R. 300.503(b)

Consent to Initial Evaluation

Before a district conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the district proposes to conduct, and obtain informed consent for the evaluation from the parents. *20 U.S.C. 1414(a)(1)(D), (E); 34 C.F.R. 300.304(a)*

Consent to Services

A district shall seek informed consent from the parent before providing special education and related services to a child. *20 U.S.C. 1414(a)(1)(D)* [See EHBAA]

Consent to Reevaluation

A district shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the district can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. *20 U.S.C. 1414(c)(3)*

Psychological Examinations and Tests

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, a district shall provide to the child's parent:

1. The name and type of the examination or test; and

2. An explanation of how the examination or test will be used to develop an appropriate individualized education program (IEP) for the child.

If a district determines that an additional examination or test is required for the evaluation of a child's need for special education, the district shall provide the information above to the parent regarding

the additional examination or test and shall obtain additional consent for the examination of test.

Education Code 29.0041(a), (b)

Dispute Resolution

The possible options for resolving disputes that arise between a parent and a school district relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by the district, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to the district's policies, with the campus principal, special education director, superintendent, or board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through the Texas Education Agency (TEA) in accordance with 19 Administrative Code 89.1193;
6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151–.1191.

19 TAC 89.1150

Due Process Complaint

Whenever a due process complaint has been received by a district, the parent or the district shall have an opportunity for an impartial due process hearing, which shall be conducted by an impartial hearing officer selected by TEA. [For TEA rules on due process. hearings, see 19 Administrative Code 89.1151–.1191.] *20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(a), .1170(a)*

Timeline

Beginning September 1, 2022, a parent or a district must request a hearing within two years of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled, as described below.

Prior to September 1, 2022, a parent or public education agency must request a hearing within one year of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled

pursuant to 50 U.S.C. 3936, as set forth in 19 Administrative Code 89.1151(e), below.

19 TAC 89.1151(c)

Tolled Timeline

TEA will include in the Notice of Procedural Safeguards a statement that the statute of limitations for the parent of a student to request an impartial due process hearing may be tolled if:

1. The parent is an active-duty member of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the United States Public Health Service; and
2. 50 U.S.C. 3936 (statute of limitations for military service) applies to the parent.

19 TAC 89.1151(e)

Timeline Exception

This timeline shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by a district that it had resolved the problem forming the basis of the complaint; or
2. A district's withholding of information from the parent that the district was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 C.F.R. 300.511(f), 19 TAC 89.1151(d)

"Stay Put"

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the district and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 C.F.R. 300.518, .533*

Exception

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 C.F.R. 300.533* [See FOF]

Resolution Process

Within 15 calendar days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, a district shall convene a meeting with the parent and the relevant

member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use the mediation process.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's request for a hearing.

34 C.F.R. 300.510, 19 TAC 89.1183

Transfer of Rights to Adult Students

Not later than one year before the 18th birthday of a student with a disability, the district at which the student is enrolled shall:

1. Provide to the student and the student's parents:
    a. Written notice regarding the transfer of rights; and
    b. Information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code Chapter 1357, and other supports and services that may enable the student to live independently; and
2. Ensure that the student's IEP includes a statement that the district provided the required notice, information, and resources.

If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the district, the district shall provide to the student or parent information and resources on supported decision-making agreements under Estates Code Chapter 1357.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31 shall have the same right to make educational decisions as a student without a disability. All other rights accorded to parents under Education Code Chapter 29, Subchapter A or 20 U.S.C. 1415 transfer to the student.

34 C.F.R. 300.520; Education Code 29.017(a), (c), (c-1), (c-2); 19 TAC 89.1049(a)

Notice

When a student reaches the age of 18, a district shall provide written notice to the student and the student's parents of the transfer of parental rights. This notice is separate and distinct from the requirement that, beginning at least one year before the student reaches the age of 18, the student's IEP include a statement regarding transfer of parental rights.

The notice must include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement, and other supports and services that enable the student to live independently. The notice must also provide contact information for the parties to use in obtaining additional information.

34 C.F.R. 300.520(a)(3); Education Code 29.017(c); 19 TAC 89.1049(c)

Special Education Decision-Making for Children in Foster Care

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. Section 1415(b) and its subsequent amendments, if:

1. The Department of Family and Protective Services (DFPS) is appointed as the temporary or permanent managing conservator of the child;
2. The rights and duties of the department to make decisions regarding education provided to the child under Family Code 153.371 have not been limited by court order; and
3. The foster parent agrees to:
    a. Participate in making special education decisions on the child's behalf; and
    b. Complete a training program that complies with minimum standards established by agency rule.

Training

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled ARD committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

A district may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. DFPS;

2. A school district;

3. An education service center; or

4. Any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent by a school district may file a complaint with TEA in accordance with federal law and regulations.

Not later than the fifth day after the date a child with a disability is enrolled in a school, DFPS must inform the appropriate school district if the child's foster parent is unwilling or unable to serve as a parent.

Education Code 29.015; 19 TAC 89.1047

Appointment of Surrogate Parent for Certain Children

These provisions apply to a child with a disability for whom:

1. DFPS is appointed as the temporary or permanent managing conservator of the child; and

2. The rights and duties of the department to make decisions regarding the child's education under Family Code 153.371 have not been limited by court order.

A school district must appoint an individual to serve as the surrogate parent for a child if the district is unable to identify or locate a parent for a child with a disability or the foster parent of a child is unwilling or unable to serve as a parent for the purposes of this subchapter.

Education Code 29.0151(a)–(b)

Eligibility and Duties of a Surrogate Parent

A surrogate parent appointed by a school district may not be an employee of TEA, the school district, or any other agency involved in the education or care of the child; or have any interest that conflicts with the interests of the child.

A surrogate parent appointed by a district must:

1. Be willing to serve in that capacity;

2. Exercise independent judgment in pursuing the child's interests;

3. Ensure that the child's due process rights under applicable state and federal laws are not violated;

4. Complete a training program that complies with minimum standards established by agency rule within the time specified in Education Code 29.015(b);

5. Visit the child and the school where the child is enrolled;
6. Review the child's educational records;
7. Consult with any person involved in the child's education, including the child's:
    a. Teachers;
    b. Caseworkers;
    c. Court-appointed volunteers;
    d. Guardian ad litem;
    e. Attorney ad litem;
    f. Foster parent; and
    g. Caregiver; and
8. Attend meetings of the child's ARD committee.

The district may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate, as provided under Section 107.031(c), Family Code, as the child's surrogate parent.

Education Code 29.0151(c)–(d); 19 TAC 89.1047

Notice of Appointment

As soon as practicable after appointing a surrogate parent, a district shall provide written notice of the appointment to the child's educational decision-maker and caseworker as required under Education Code 25.007(b)(10)(H) [see FFC]. *Education Code 29.0151(e-1)*

Failure to Properly Perform

If a court appoints a surrogate parent for a child with a disability under Family Code 263.0025, and the school district determines that the surrogate parent is not properly performing the duties, the district shall consult with DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child. *Education Code 29.0151(f); 19 TAC 89.1047*

Table of Contents

Compensatory Education Allotment 3
Census Block 3
Use 3
Dropout Prevention Strategies 3
Reporting 4
Educationally Disadvantaged Students 5
Student Eligibility 5
Virtual School Network 5
Definition of At-Risk Student 5
Local Eligibility Criteria 7
Designing and Implementing Services 7
Services After Unsatisfactory Performance on State Assessments 7
Accelerated Learning Committee 7
Accelerated Instruction 10
Assessments Not Required 13
Accelerated Instruction After EOC Assessments 13
No Available Test Score 14
Dropout Recovery Education Programs 14
Communities in Schools 14
Optional Extended Year Program 14
Optional Flexible Year Program 15
Optional Flexible School Day Program 15
Tutorial Services 15
Basic Skills Programs 15
After-School and Summer Intensive Mathematics and Science Programs 16
Mentoring Services Program 16
Accelerated Reading Instruction Program 17
Intensive Program of Instruction 17
State Assessments 17
Students Receiving Special Education Services 17
Graduation Requirements 18
No Cause of Action 18

College Preparatory Courses 18
Faculty 18
Notice 18
Credit Earned 18
Dual Credit 19
Instructional Materials 19
End-of-Course Exam 19

Compensatory Education Allotment

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides. *Education Code 48.104(i)*

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services, including services provided by an instructional coach, designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
    a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
    b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

Education Code 48.104(k)

Dropout Prevention Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;

2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

    a. High-quality, college readiness instruction with strong academic and social supports;

    b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and

    c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and

3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918

Reporting

A district shall report financial information relating to expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA), according to standards for financial accounting provided in 19 Administrative Code 109.41 (relating to *Financial Accountability System Resource Guide*). Costs charged to state compensatory education shall be for programs and services that supplement the regular education program. *19 TAC 109.25(a)*

A district shall ensure that supplemental direct costs and personnel attributed to compensatory education and accelerated instruction are identified in district and/or campus improvement plans at the summary level for financial units or campuses. A district shall maintain documentation that supports the attribution of supplemental costs and personnel to compensatory education. A district must also maintain sufficient documentation supporting the appropriate identification of students in at-risk situations, under criteria established in Education Code 29.081 [see Definition of At-Risk Student, below]. *19 TAC 109.25(b)*

Educationally Disadvantaged Students

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

19 TAC 61.1027(a)

Virtual School Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

Definition of At-Risk Student

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Except as provided by TEA rule or if retained in prekindergarten under Education Code 28.02124 [see EIE], was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student’s parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;

3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;

4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;

5. Is pregnant or is a parent;

6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;

7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;

8. Is currently on parole, probation, deferred prosecution, or other conditional release;

9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;

10. Is an emergent bilingual student, as defined by Section 29.052;

11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;

12. Is homeless [see FD];

13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation;

14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07; or

15. Is enrolled in a district or a campus that is designated as a dropout recovery school under Education Code 39.0548.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under the adult high school charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

Designing and Implementing Services

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

Services After Unsatisfactory Performance on State Assessments

Accelerated Learning Committee

A district shall establish an accelerated learning committee for each student who does not perform satisfactorily on the following state assessment instruments [see EKB]:

1. The third grade mathematics or reading assessment;
2. The fifth grade mathematics or reading assessment; or
3. The eighth grade mathematics or reading assessment.

Education Code 28.0211(a)

Composition

The accelerated learning committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee. *Education Code 28.0211(c)*

If a student is changing campuses, the committee must include the receiving principal or designee, the sending principal or designee, the receiving content teacher or designee, and the sending content teacher or designee. *19 TAC 104.1001(e)(1)*

Educational Plan

An accelerated learning committee shall, not later than the start of the subsequent school year, develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the

conclusion of the school year. The educational plan must be documented in writing, and a copy must be provided to the student's parent or guardian.

During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the educational plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an educational plan.

Education Code 28.0211(f)–(f-3)

Failure in a Subsequent School Year

If a student who fails to perform satisfactorily on the third, fifth, or eighth grade math or reading assessment fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the superintendent, or the superintendent's designee, shall meet with the student's accelerated learning committee to:

1. Identify the reason the student did not perform satisfactorily; and

2. Determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether the educational plan developed for the student must be modified to provide the necessary accelerated instruction for that student and any additional resources are required for that student.

The superintendent's designee may be an employee of a regional education service center and may not be a person who served on the student's accelerated learning committee.

Education Code 28.0211(f-4)–(f-5)

ARD Determination for Grades 3, 5, and 8

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a third, fifth, or eighth grade math or reading assessment must meet to determine the manner in which the student will participate in an accelerated instruction program. *Education Code 28.0211(i)*

Students Who Meet Criteria for the Alternative Assessment

The ARD committee must serve as the accelerated learning committee for students who meet the criteria for participation in alternative assessment instruments under Education Code 39.023(b) [see EKB], who do not perform satisfactorily on a mathematics or reading assessment instrument in grade 3, 5, or 8. The ARD committee must determine the manner in which the student will participate in supplemental accelerated instruction; however, the requirements for supplemental accelerated instruction described by 19 Administrative Code 104.1001(b) do not apply.

ARD Committee Responsibilities

In serving as the accelerated learning committee for a student served by special education, the ARD committee must meet and develop a plan [see Education Plan, above] to determine the manner in which the student will participate in supplemental accelerated instruction, and this meeting must include the required members of a properly constituted ARD committee [see EHBAB].

When the ARD committee for a student served by special education serves as the accelerated learning committee, efforts must be taken to ensure parental participation as specified within the requirements of 19 Administrative Code 89.1050(d) and 34 Code of Federal Regulations 300.322 [see EHBAB].

The ARD committee, serving as the accelerated learning committee, must document decisions regarding supplemental accelerated instruction in writing and a copy must be provided to the student's parent or guardian. This documentation may either be included in ARD deliberations or as a supplemental attachment to the student's individualized education program.

Dispute Resolution

A parent or guardian of a student served by special education may use a dispute resolution mechanism specified in 19 Administrative Code 89.1150 [see EHBAE] to resolve any dispute between the parent and a public education agency relating to the identification, evaluation, or educational placement of or the provision of a free appropriate public education (FAPE) to a student with a disability. If a parent or guardian of a student served by special education does not agree with the decision of the ARD committee serving as the accelerated learning committee regarding supplemental accelerated instruction, the parent or guardian may follow the district grievance policy [see FNG].

19 TAC 104.1001(f)

Parent Request

Each district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the

subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5); 19 TAC 104.1001(g)*

Classroom Assignment

A student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment and is promoted to the next grade level must be assigned in the subsequent school year in each subject in which the student failed to perform satisfactorily on the applicable assessment instrument to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

Education Code 28.0211(n)–(n-1)

Accelerated Instruction

Each time a student fails to perform satisfactorily on a state assessment instrument in the third, fourth, fifth, sixth, seventh, or eighth grade [see EKB], the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or

2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see below].

Education Code 28.0211(a-1)

Participation Requirements

Supplemental accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. *19 TAC 104.1001(c)*

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 [see EHA series] for the grade level in which the student is enrolled; or

2. Recess or other physical activity that is available to other students enrolled in the same grade level.

Education Code 28.0211(a-3)

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for supplemental accelerated instruction. [See Supplemental Instruction Requirements for Certain Funding, item 3, below.]

19 TAC 104.1001(c)

ARD Committee Determination

For a student served by special education who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) [see EKB], the student's admission, review, and dismissal (ARD) committee must determine the manner in which the student will engage in supplemental accelerated instruction. ARD committees must consider the individual needs of a student with a disability when determining the manner in which supplemental accelerated instruction is to be provided to the student. If supplemental accelerated instruction is to be provided to the student, the supplemental accelerated instruction must meet the requirements outlined in this subsection unless the ARD committee specifically determines that some or all of the requirements for supplemental accelerated instruction would deny the student access to a FAPE. *19 TAC 104.1001(b)(3)*

Supplemental Instruction Requirements for Certain Funding

If a district receives funding under Education Code 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;

2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;

3. Be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;

4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;

5. Include effective instructional materials designed for supplemental instruction;

6. Be provided to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group;

7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and

8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

Education Code 28.0211(a-4)

General Accelerated Instruction Requirements

Supplemental accelerated instruction shall be based on, but not limited to, targeted instruction in the essential knowledge and skills for the applicable grade levels and subject areas and be provided by a person with training in the applicable instructional materials for the supplemental accelerated instruction and under the oversight of the school district. Supplemental accelerated instruction shall be provided as outlined in items 2–5 and 8 (above), to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group. *19 TAC 104.1001(d)*

Transportation

A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j)*

Notice to Parents of Performance and Accelerated Instruction

Whenever a district is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the district shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian’s native language. *Education Code 28.0211(h)*

Assessments Not Required

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or

2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of failure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

Education Code 28.0211(o)–(p)

Accelerated Instruction After EOC Assessments

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course (EOC) assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area.

Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations and must comply with the requirements for accelerated instruction provided under Education Code 28.0211 [see above].

Education Code 28.0217

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

No Available Test Score

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis.*19 TAC 104.1001(b)(4)*

Dropout Recovery Education Programs

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

Communities in Schools

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

Optional Extended Year Program

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

Optional Flexible Year Program

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

Optional Flexible School Day Program

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

Education Code 29.0822

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

19 TAC 129.1027(c)

Tutorial Services

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

Basic Skills Programs

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086(a)

After-School and Summer Intensive Mathematics and Science Programs

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
    a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
    b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;
4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

Education Code 29.088, .090; 19 TAC 102.1041

Mentoring Services Program

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

Accelerated Reading Instruction Program

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1)

Intensive Program of Instruction

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
    a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
    b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Students Receiving Special Education Services

For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Graduation Requirements	A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.
No Cause of Action	A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action. *Education Code 28.0213*
College Preparatory Courses	Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed: 1. For students at the 12th grade level whose performance on: a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and 2. To prepare students for success in entry-level college courses. A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.
Faculty	Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.
Notice	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
Credit Earned	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025

	after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
Dual Credit	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
Instructional Materials	Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices. *Education Code 28.014*
End-of-Course Exam	A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. *Education Code 39.025(a-1)*

Student Advancement

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. [See EI]

In determining promotion, a district shall consider:

1. The recommendation of the student's teacher;
2. The student's grade in each subject or course;
3. The student's score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the district.

Education Code 28.021(a), (c)

Advancement Requirements

By the start of the school year, a district shall make public the requirements for student advancement under Education Code 28.021. *Education Code 28.021(d)*

Retention After Assessment

A district is not precluded from retaining, in accordance with state law or board policy, a student who performs satisfactorily on a grade advancement test. *Education Code 28.0211(g)*

Parental Option to Retain

A parent or guardian may elect for a student to:

1. Repeat prekindergarten;
2. Enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Education Code 29.153(b) [see EHBG] and the student has not yet enrolled in kindergarten;
3. Repeat kindergarten;
4. Enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or
5. For grades 1 through 3, repeat the grade in which the student was enrolled during the previous school year.

An election made by a parent or guardian shall be made in writing to a district.

Retention Committee

If a district disagrees with the election, the district must convene a retention committee and meet with the parent or guardian to discuss retention. The meeting shall be conducted in person unless an alternative means is agreeable to the parent or guardian. A student may not be retained for a grade or retake a course under this

provision if the parent or guardian does not meet with the retention committee.

A retention committee shall be composed of:

1. The principal or the principal's designee;
2. The student's parent or guardian;
3. The teacher who taught the grade or course for which the parent wants the student retained or repeated; and
4. Additional teachers at the discretion of the principal, if the student will potentially repeat multiple courses.

A retention committee shall:

1. Discuss the merits of and concerns with advancement and retention; and
2. Review and consider the student's grade in each subject or course, the results of any formative or summative assessments administered to the student, and any other available academic information to determine the student's academic readiness for the next grade or a given course.

If established, after the parent or guardian has participated in a retention committee meeting, the parent or guardian shall decide whether the student should be retained or retake a grade or course. The district must abide by the decision of the parent or guardian.

Retention Considerations

Except as provided by this provision or other law, retention of a student pursuant to a parent's or guardian's election under this provision shall be considered the same as retention of a student by a district.

Transfer of Rights

The rights of a parent or guardian under this provision transfer to a student if the student is 18 years of age or older or has had the disabilities of a minor removed, unless the student is under a form of guardianship imposed by law or court order that continues after the student turns 18 years of age.

Education Code 28.02124

Students with Dyslexia

In measuring the academic achievement or proficiency of a student who has dyslexia, the student's potential for achievement or proficiency in the area must be considered. *Education Code 28.021(b)* [See policies at EHB, EKB, and FB]

Optional Extended-Year Program

An optional extended year program may extend the day, the week, or the year to provide additional support and instruction for eligible

students. The program shall be conducted beyond the required instructional days, which may include intercessions for year-round programs. *19 TAC 105.1001(b)*

A student is eligible for services in accordance with Education Code 29.082(a)(1)–(2). A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services. *19 TAC 105.1001(c); Education Code 29.082(a)(1)–(2)*

A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the school counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or school counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the district shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

If a district provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Education Code 29.082(e)–(f) [See EHBC]

Table of Contents

High School Diploma 2
FAFSA Required 2
Individual Graduation Committee 4
Students Who Entered Grade 9 Before the 2011–12 School Year 6
Special Education 7
Posthumous Diploma 7
Diplomas for Veterans 8
Texas First Early High School Completion Program 8
Notice Upon Enrollment 8
Personal Graduation Plan 9
Junior High or Middle School PGP 9
High School PGP 9
Early Graduation 10
State Graduation Requirements 11
Students Entering Grade 9 11
Students Who Entered Grade 9 Before the 2014–15 School Year 18
Transfers from Out-of-State or Nonpublic Schools 21
Graduation of Students Receiving Special Education Services 21
Modified Curriculum and Content 21
Employability and Self-Help Skills 21
Summary of Academic Achievement and Evaluation 22
Graduation of Military Dependents 24
Course Waiver 24
Transfers During Senior Year 24
Substitute Passing Standard 24
Graduation of Student Who Is Homeless or in Conservatorship of DFPS 25

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.

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.

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.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

Alternate Members

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)–(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

Additional Requirements to Graduate

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

Emergent Bilingual Students

For provisions related to an IGC and emergent bilingual students, see EKBA.

Students Who Entered Grade 9 Before the 2011–12 School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);
4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and

5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

District Determination — The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. *19 TAC 74.1027(b)*

Alternative Requirements — The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).

Local Alternative Requirements — With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. *19 TAC 74.1027(d)*

Appeals — A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. *19 TAC 74.1027(e); Education Code 28.02541*

Documentation — The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. *19 TAC 74.1027(f)*

Special Education — A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma — Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception — A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under 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 may issue a high school diploma to a student 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

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

Junior High or Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

Students Receiving Special Education Services

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The

PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)*
[See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, 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)

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.

Education Code 28.025; 19 TAC 74.13

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(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

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)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies, or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

Community-Based Fine Arts Programs

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code Chapter 117, Subchapter C;

3. The district must document student completion of the approved activity;

4. The program must be organized and monitored by appropriately trained instructors;

5. The fine arts program may be provided on or off a school campus and outside the regular school day; and

6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

Performance Acknowledgments

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:

    a. In a dual credit course;

    b. In bilingualism and biliteracy;

    c. On a College Board advanced placement test or international baccalaureate examination;

    d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

    e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or

2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014–15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F.

Education Code 28.025; 19 TAC 74.62, .72

Recommended High School Program

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in

the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*

Advanced / Distinguished Achievement High School Program

A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and

3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:

    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;

2. Marching band; and

3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;

2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or

3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment 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 Content

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–117, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*

Employability and Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(i)*

Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2), (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 school to complete their education do not have to be evaluated. *19 TAC 89.1070(g)–(h)*

Students Entering Grade 9 in or After the 2014–15 School Year

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments.

2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments,

unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:

   a. The curriculum requirements identified by the SBOE for the foundation high school program; and

   b. The additional endorsement curriculum requirements prescribed by the SBOE; and

2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:

   a. Without modification of the curriculum; or

   b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)–(c-8), 19 TAC 89.1070(c)

Students Entering Grade 9 Before the 2014–15 School Year

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

Graduation of Military Dependents

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Course Waiver

Transfers During Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth-grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

Graduation of Student Who Is Homeless or in Conservatorship of DFPS

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

Table of Contents

State Assessment of Academic Skills 3
Emergent Bilingual Students 3
Special Education 3
Military Dependents 3
Administration 4
Schedule 4
Test Administration Training 5
Notice to Parents and Students 5
Testing in Grades 3–8 6
Exception 6
Kindergarten Assessment 7
Prekindergarten Assessment 7
Accommodations 7
End-of-Course Assessments 7
Students Enrolled Below High School Level 8
Assessment Requirements for Graduation 8
Substitute Assessments 9
Accountability Testing 9
Satisfactory Performance 10
Individual Graduation Committee 10
Special Education 11
Credit by Examination 11
Additional State Assessments 11
Retakes 12
Reporting Results 12
To the Public 12
To the Board 12
To Parents, Students, and Teachers 12
Parents Right-to-Know Under ESEA 13
Parental Access 13
Out-of-State Transfers 13
Accelerated Instruction 13
College Readiness 14
Security and Confidentiality 15

Violations....16
Consequences....16
Test Administration Procedures....17
Records Retention....17
Disciplinary Action and Penalties....17
Minimize Disruptions....17
Confidentiality of Results....18

State Assessment of Academic Skills

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Emergent Bilingual Students

In grades 3–12, an emergent bilingual student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;

2. National norm-referenced achievement tests; or

3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

On request by a district, the commissioner may allow the district to administer an assessment instrument on the first instructional day

of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions. *Education Code 39.023(c-3)*

Alternate Test Dates

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

Test Administration Training

The commissioner may require training for district employees involved in the administration of the assessment instruments. The commissioner may only require for the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1)–(b-2)*

Notice to Parents and Students

A superintendent shall be responsible for the following in order to provide timely and full notification of graduation requirements:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7–12 new to the district and his or her parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

19 TAC 101.3012

Testing in Grades 3–8

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (emergent bilingual students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Social studies in grade 8;
4. Science in grades 5 and 8; and
5. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student.

Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)

Kindergarten Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)

End-of-Course Assessments

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United

States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled Below High School Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment Requirements for Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) in order to be eligible to receive a Texas diploma, except as described below at Exceptions, Credits Earned Prior to Enrollment, Individual Graduation Committee, and Special Education.

The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.

Exceptions

English I or English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to emergent bilingual students who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

19 TAC 101.3022(a)–(c)

Credits Earned Prior to Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment. *19 TAC 101.3021(e)*

Substitute Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) also meets the additional criteria of 19 Administrative Code 101.4002(d).

TSI Additional Criteria

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSIA or TSIA2 as a substitute assessment.

Accountability Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

Verification of Results

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A district shall determine whether the student took each required EOC assessment or an approved substitute assessment. For purposes of this provision only, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an individual graduation committee.

Notwithstanding any action taken by a student's individual graduation committee, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c) if the student has not previously achieved satisfactory performance on

an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

19 TAC 101.3022(e)(1), (3)

For provisions related to an IGC and emergent bilingual students, see EKBA.

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate. [See EIF]

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

For more information on graduation requirements for special education students, see EIF.

Credit by Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Reporting Results

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents, Students, and Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or charter school or private school. The scoring contractor will provide districts with the results of the machine-scorable assessments within a 21-day period following the close of the testing window. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

19 TAC 101.3014(a)–(d)

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the

questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2), 39.023(e)*

Out-of-State Transfers

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014(e)

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction under Education Code 28.0211(a-4). [See EHBC]

Education Code 28.0211(a-1)

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction under Education Code 28.0217 in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
    a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
    b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

Faculty

Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice

Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

Credit Earned

A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit

A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

Instructional Materials

Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

Security and Confidentiality

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
    a. Met the requirements to participate in the student assessment program;
    b. Received training in test security and test administration procedures; and
    c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.003(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a)(3)–(d)

Disciplinary Action and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)–(b), (g)(8)

Minimize Disruptions

In implementing the commissioner’s procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to

school operations and the classroom environment. *Education Code 39.0301(a-1)*

Confidentiality of Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Note: The terms English language learner, English learner, limited English proficient student, and emergent bilingual student are used interchangeably.

Language Proficiency Assessment Committee (LPAC)

The language proficiency assessment committee (LPAC) [see EHBE] shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by the Texas Education Agency (TEA).

Documentation

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005; and
3. In conjunction with the admission, review, and dismissal (ARD) committee, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c)

Definitions

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the LPAC. *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
   a. An asylee as defined by 45 C.F.R. 400.41; or
   b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and

3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063.

Education Code 39.027(a-1); 19 TAC 101.1005(c)

"Inadequate schooling outside the United States" is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

English Language Proficiency Tests

In kindergarten through grade 12, an English learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state assessment requirements under Education Code Chapter 39, Subchapter B, [see EKB] and federal requirements. *19 TAC 101.1003(a)*

Limitations on Exemptions

First Year After Enrollment

An emergent bilingual student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English as determined by the assessment system developed to evaluate academic progress of an emergent bilingual student. *Education Code 39.027(a)(1)*

Subsequent Years

An emergent bilingual student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or

2. An additional four years if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student's academic progress in a valid, reliable manner.

Minimum Days for Enrollment

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)–(2), (a-1), (a-2), (g)

Testing in Grades 3–8

An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.

Spanish-Version Assessment

A Spanish-speaking English language learner in grades 3–5 may be administered the state's Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student's academic progress.

Linguistically Accommodated Assessments

An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state's mathematics, science, or social studies assessment if:

1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student's academic progress;
2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above]; and
3. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less [see Definitions, above].

Exemption for Asylee or Refugee

An unschooled asylee or refugee who meets the criteria at Spanish-Version Assessment and Linguistically Accommodated Assessments above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school.

19 TAC 101.1005(b), (c)

Refusal of Services

An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made

available to English language learners on the basis of limited English proficiency. *19 TAC 101.1005(f)*

End-of-Course Assessments

An English language learner shall participate in the end-of-course assessments as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An English language learner shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

Exception

If an English language learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

Individual Graduation Committees

An emergent bilingual student who qualifies for the English I special exception in 19 Administrative Code 101.1007, above, may graduate without an individual graduation committee (IGC) if the student achieves satisfactory performance on the remaining end-of-course (EOC) assessments that the student is required to take.

The qualifying emergent bilingual student becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying emergent bilingual student does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

19 TAC 101.3022(e)(2)

Non-LEP Students

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(g)*

Special Education

Selecting Assessments

For each English language learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).

19 TAC 101.1005(a)

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an English learner who receives special education services to participate in the general required English language proficiency assessment [see English Language Proficiency Tests, above] for reasons associated with the student's particular disability. Students with the most significant cognitive disabilities who cannot participate in the general English language proficiency assessment, even with allowable accommodations, shall participate in the alternate English language proficiency assessment to meet federal requirements. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

In the case of an English learner who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*

Alternative Assessment Instruments

In certain cases, an English learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b)*

An unschooled asylee or refugee who meets these criteria shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*

Testing Accommodations	The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*

Nondiscrimination

A district shall provide equal opportunities to all individuals within its jurisdiction or geographic boundaries. *Education Code 1.002(a)*

No officer or employee of a district shall, when acting or purporting to act in an official capacity, refuse to permit any student to participate in any school program because of the student's race, religion, color, sex, or national origin. *Civ. Prac. & Rem. Code 106.001*

A district may not deny services to any individual eligible to participate in its special education program, but it shall provide individuals with disabilities special educational services as authorized by law. *Education Code 1.002(b)*

Federal Funding Recipients

No person shall be excluded from participation in, denied the benefits of, or subjected to discrimination by any district that receives federal financial assistance, on the basis of any of the following protected characteristics:

1. Sex.
2. Race, color, or national origin.
3. Disability, or relationship or association with an individual with a disability. [See EHB, EHBA series, and GA]
4. Age.

20 U.S.C. 1681 (Title IX); 42 U.S.C. 2000d (Title VI); 20 U.S.C. 1400 et seq. (Individuals with Disabilities Education Act); 29 U.S.C. 794 (Section 504); 42 U.S.C. 12132 (Americans with Disabilities Act [ADA]); 42 U.S.C. 6101 et. seq. (Age Discrimination Act of 1975)

Sexual Harassment

Sexual harassment of students in an education program or activity is discrimination on the basis of sex under Title IX. *Franklin v. Gwinnett County Schools, 503 U.S. 60 (1992)*

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45(a)*

[See also DIA and FFH]

Grievance Procedures

A district must adopt and publish grievance procedures for prompt and equitable resolution of student complaints alleging any action that would be prohibited by these provisions. *34 C.F.R. 106.8 (Title IX), 104.7(b) (Section 504)* [See FFH]

Retaliation

A district shall not coerce, intimidate, threaten, retaliate or discriminate against, or interfere with any person who attempts to assert a right protected by the above laws or cooperates with investigation

and enforcement proceedings under these laws. *34 C.F.R. 100.7(e) (Title VI), 104.61 (Section 504), 106.71 (Title IX)* [See FFH]

Students with Learning Difficulties

The Texas Education Agency shall produce and provide to school districts a written explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. The explanation must state that a parent is entitled at any time to request an evaluation of the parent's child for special education services under Education Code 29.004 or for aids, accommodations, or services under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794). Each school year, a district shall provide the written explanation to a parent of each district student by including the explanation in the student handbook or by another means. *Education Code 26.0081(c)*

Disability Discrimination

ADA

Under the Americans with Disabilities Act (ADA), no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by the district. *42 U.S.C. 12132; 28 C.F.R. 35.130*

Section 504

Under Section 504 of the Rehabilitation Act, no otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. *29 U.S.C. 794(a)*

Designation of Responsible Employee

A district shall designate at least one employee to coordinate its efforts to comply with Section 504 and the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated. *34 C.F.R. 104.7(a), 28 C.F.R. 35.107*

Definitions

Student with a Disability

A "student with a disability" is one who has a physical or mental impairment that substantially limits one or more of the student's major life activities, has a record of having such an impairment, or is being regarded as having such an impairment.

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices (which do not include ordinary eyeglasses or contact lenses), prosthetics, hearing aids, mobility devices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

A student meets the requirement of being "regarded as" having an impairment if the student establishes that he or she has been subjected to a prohibited action because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This provision does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of 6 months or less.

29 U.S.C. 705(20)(B), 42 U.S.C. 12102(1), (3)–(4)

Qualified Individual with a Disability — The term "qualified individual with a disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2)*

Major Life Activities — "Major life activities" include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. "Major life activity" also includes the operation of major bodily functions, including functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. *42 U.S.C. 12102(2)*

Reasonable Modification — A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

Direct Threat — "Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided below. *28 C.F.R. 35.104*

The ADA does not require a district to permit an individual to participate in or benefit from the services, programs, or activities of that district when that individual poses a direct threat to the health or safety of others.

In determining whether an individual poses a direct threat to the health or safety of others, a district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain:

1. The nature, duration, and severity of the risk;
2. The probability that the potential injury will actually occur; and
3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

28 C.F.R. 35.139

Free Appropriate Public Education (FAPE)

A district shall provide a free appropriate public education to each qualified student with a disability within the district's jurisdiction, regardless of the nature or severity of the student's disability.

A student with a disability is "qualified" if he or she is between the ages of three and 21, inclusive. *20 U.S.C. 1412(a)(1); 34 C.F.R. 104.3(l)(2)*

An appropriate education is the provision of regular or special education and related services that are:

1. Designed to meet the student's individual educational needs as adequately as the needs of students who do not have disabilities are met; and
2. Based on adherence to procedures that satisfy federal requirements for educational setting, evaluation and placement, and procedural safeguards, as set forth below.

34 C.F.R. 104.33(b)

Implementation of an individualized education program (IEP) under IDEA is one means for providing FAPE. *34 C.F.R. 104.33(b)(2)*

Note: See EHBA series for policies regarding the provision of special education to students with disabilities under IDEA who require special education in order to benefit from a free appropriate public education.

Educational Setting

A district shall place a student with a disability in the regular educational environment, unless the district demonstrates that education in the regular environment with the use of supplemental aids and services cannot be achieved satisfactorily. *34 C.F.R. 104.34(a)*

In providing or arranging for nonacademic and extracurricular services and activities, a district shall ensure that a student with a disability participates with students who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability. *34 C.F.R. 104.34(b), 104.37*

Evaluation and Placement

A district shall conduct an evaluation of any person who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

Evaluation Procedures

A district shall establish standards and procedures for the evaluation and placement which ensure that:

1. Tests and other evaluation materials have been validated for the specific purpose for which they are used and are administered by trained personnel in conformance with the instructions provided by their producer;

2. Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient; and

3. Tests are selected and administered so as best to ensure that, when a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).

Placement Procedures

In interpreting evaluation data and in making placement decisions, a district shall:

1. Draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior;

2. Establish procedures to ensure that information obtained from all such sources is documented and carefully considered;

3. Ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

4. Ensure that the placement decision is made in conformity with 34 C.F.R. 104.34.

Reevaluation

A district shall establish procedures for periodic reevaluation of students who have been provided special education and related services. A reevaluation procedure consistent with the Education for the Handicapped Act [now IDEA] is one means of meeting this requirement.

34 C.F.R. 104.35

Military Dependents

In compliance with the requirements of Section 504, and with Title II of the Americans with Disabilities Act (42 U.S.C. Sections 12131–12165), the district shall make reasonable accommodations and modifications to address the needs of incoming military dependents with disabilities, subject to an existing Section 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, § C* [See FDD]

Procedural Safeguards

A district shall establish a system of procedural safeguards with respect to the identification, evaluation, and educational placement of persons who need or are believed to need special instruction or related services.

The system shall include notice, an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the student's parents or guardian and representation by counsel, and a review procedure. Compliance with the procedural safeguards of IDEA is one means of meeting this requirement. *34 C.F.R. 104.36*

Children Who Are Homeless

A district shall adopt policies and practices to ensure that homeless children are not stigmatized or segregated on the basis of their homeless status. [See FDC]

Liaison

A district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district shall inform school personnel, service providers, advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FFC]

42 U.S.C. 11432(g)(1)(J)(i), (ii), (g)(6)(B)

Religious Freedom

A district may not substantially burden a student's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering

that interest. *Civ. Prac. & Rem. Code 110.003* [See also DAA and GA]

Adverse Action Prohibited

Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. *Gov't Code 2400.002* [See GA]

Discrimination on the Basis of Sex

Title IX

No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or be subjected to discrimination by any district receiving federal financial assistance. *20 U.S.C. 1681(a)* [See FFH for information regarding Title IX coordinator designation, policy notification, and complaint procedures.]

A district shall not provide any course or otherwise carry out any of its educational programs or activities separately on the basis of sex, or require or refuse participation therein on the basis of sex, including health, physical education, industrial, business, vocational, technical, home economics, music, and adult education courses. *34 C.F.R. 106.34* [See FFH for information on sexual harassment that may constitute discrimination on the basis of sex under Title IX.]

Separate Facilities

A district may provide separate toilet, locker room, and shower facilities on the basis of sex, but the facilities provided for one sex shall be comparable to the facilities provided for the other sex. *34 C.F.R. 106.33*

Human Sexuality Classes

Portions of classes in elementary and secondary school that deal primarily with human sexuality may be conducted in separate sessions for boys and girls.

Vocal Music Activities

A district may make requirements based on vocal range or quality that may result in a chorus or choruses of one or predominantly one sex.

34 C.F.R. 106.34

Single-Sex Programs

A district shall not, on the basis of sex, exclude any student from admission to an institution of vocational education or any other school or educational unit operated by the district. *34 C.F.R. 106.35*

Pregnancy and Marital Status

A recipient shall not apply any rule concerning a student's actual or potential parental, family, or marital status that treats students differently on the basis of sex. *34 C.F.R. 106.40* [See FND]

Physical Education Classes

A district may group students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to sex.

Skills Assessment

Where use of a single standard of measuring skill or progress in physical education classes has an adverse effect on members of one sex, a district shall use appropriate standards that do not have such effect.

Contact Sports

A district may separate students by sex within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact.

34 C.F.R. 106.34, .43

Athletic Programs

A district shall not discriminate, on the basis of sex, in interscholastic or intramural athletics or provide any such athletics separately on such basis.

Single-Sex Teams

A district may operate or sponsor separate teams for members of each sex where selection for such teams is based upon competitive skill or the activity involved is a contact sport. However, where a recipient operates or sponsors a team in a particular sport for members of one sex but not for members of the other sex, and athletic opportunities for members of that sex have previously been limited, members of the excluded sex must be allowed to try-out for the team offered unless the sport involved is a contact sport.

Equal Athletic Opportunities

A district that operates or sponsors interscholastic or intramural athletics shall provide equal athletic opportunity for members of both sexes. The following factors shall be considered in determining whether a district provides equal athletic opportunities:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both sexes;
2. Provision of equipment and supplies;
3. Scheduling of games and practice time;
4. Travel and per diem allowance;
5. Opportunity to receive coaching and academic tutoring;
6. Assignment and compensation of coaches and tutors;
7. Provision of locker rooms and practice and competitive facilities;
8. Provision of medical and training facilities and services;

9. Provision of housing and dining facilities and services; and

10. Publicity.

34 C.F.R. 106.41

Wellness Policy

Each district must establish a local school wellness policy for all schools participating in the National School Lunch Program and/or School Breakfast program under the jurisdiction of the district. The local school wellness policy is a written plan that includes methods to promote student wellness, prevent and reduce childhood obesity, and provide assurance that school meals and other food and beverages sold and otherwise made available on the school campus during the school day are consistent with applicable minimum federal standards. *7 C.F.R. 210.31(a)*

School Day

"School day" means the period from the midnight before, to 30 minutes after the end of the official school day. *7 C.F.R. 210.11(a)(5)*

School Campus

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day. *7 C.F.R. 210.11(a)(4)*

Contents

At a minimum, a local school wellness policy must contain:

1. Specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness. In developing these goals, a district must review and consider evidence-based strategies and techniques;
2. Standards for all foods and beverages provided, but not sold, to students during the school day on each participating school campus under the jurisdiction of the district;
3. Standards and nutrition guidelines for all foods and beverages sold to students during the school day on each participating school campus under the jurisdiction of the district that:
    a. Are consistent with applicable requirements set forth in 7 C.F.R. 210.10 (meal requirements for lunches and after-school snacks) and 220.8 (meal requirements for breakfasts);
    b. Are consistent with the nutrition standards set forth under 7 C.F.R. 210.11 (competitive food service and standards);
    c. Permit marketing on the school campus during the school day of only those foods and beverages that meet the nutrition standards under 7 C.F.R. 210.11; and
    d. Promote student health and reduce childhood obesity;
4. Identification of the position of the district or school official(s) responsible for the implementation and oversight of the local

school wellness policy to ensure each school's compliance with the policy;

5. A description of the manner in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the local school wellness policy; and

6. A description of the plan for measuring the implementation of the local school wellness policy, and for reporting local school wellness policy content and implementation issues to the public as required below.

Public Involvement and Notification

A district must:

1. Permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the local school wellness policy.

2. Inform the public about the content and implementation of the local school wellness policy, and make the policy and any updates available to the public annually.

3. Inform the public about progress toward meeting the goals of the local school wellness policy and compliance with the local school wellness policy by making the triennial assessment, as required at item 2 under Implementation Assessments and Updates below, available to the public in an accessible and easily understood manner.

Implementation Assessments and Updates

A district must:

1. Designate one or more district or school officials to ensure that each participating school complies with the local school wellness policy.

2. At least once every three years, assess schools' compliance with the local school wellness policy, and make assessment results available to the public. The assessment must measure the implementation of the local school wellness policy, and include:

a. The extent to which schools under the jurisdiction of the district are in compliance with the local school wellness policy;

b. The extent to which the district's local school wellness policy compares to model local school wellness policies; and

c. A description of the progress made in attaining the goals of the local school wellness policy.

3. Make appropriate updates or modifications to the local school wellness policy, based on the triennial assessment.

Recordkeeping

A district must retain records to document compliance with the requirements of this policy. These records include, but are not limited to:

1. The written local school wellness policy;

2. Documentation demonstrating compliance with community involvement requirements, including requirements to make the local school wellness policy and triennial assessments available to the public as required at Implementation Assessments and Updates above; and

3. Documentation of the triennial assessment of the local school wellness policy for each school under its jurisdiction.

Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, sec. 204, 124 Stat. 3183 (2010) [42 U.S.C. 1758b]; 7 C.F.R. 210.31(c)–(f)

[See CO for requirements relating to food services management, EHAA for state law requirements relating to health education, and FJ for requirements relating to food and beverage fundraisers.]

Change in Health Services

Before a district or a school may expand or change the health-care services available at a school in the district from those that were available on January 1, 1999, the board must:

1. Hold a public hearing at which the board provides an opportunity for public comment and discloses all information on the proposed health-care services, including:

a. All health-care services to be provided;

b. Whether federal law permits or requires any health-care service provided to be kept confidential from parents;

c. Whether a child's medical records will be accessible to the parent;

d. Information concerning grant funds to be used;

e. The titles of persons who will have access to the medical records of a student; and

f. The security measures that will be used to protect the privacy of students' medical records.

2. Approve the expansion or change by a record vote.

Education Code 38.012

[For information regarding school-based health centers, see FFAE.]

School-Based Health Centers

A district may, if it identifies the need, design a model for the delivery of cooperative health-care programs for students and their families and may compete for grants to provide such programs. The model program may provide for delivery of conventional health services and disease prevention of emerging health threats that are specific to a district.

On the recommendation of an advisory council [see Advisory Council, below] or on the initiative of the board, a district may establish a school-based health center at one or more campuses to meet the health-care needs of students and their families. A district may contract with a person to provide services at a school-based health center.

Education Code 38.051

Programs Goals

All health-care programs should be designed to meet the following goals:

1. Reducing student absenteeism;
2. Increasing a student's ability to meet the student's academic potential; and
3. Stabilizing the physical well-being of a student.

Education Code 38.063(c)

Consent Required

A school-based health center may provide services to a student only if a district or the provider with whom a district contracts obtains the written consent of the student's parent or guardian or another person having legal control of the student. The student's parent or guardian or another person having legal control of the student may give consent to receive ongoing services or may limit consent to one or more services provided on a single occasion. The consent form must list every service the center delivers in a format that complies with all applicable state and federal laws and allows a person to consent to one or more categories of services. *Education Code 38.053*

Permissible Services

The permissible categories of services are:

1. Family and home support;
2. Physical health care, including immunizations;
3. Dental health care;
4. Health education;
5. Preventive health strategies;

6. Treatment for mental health conditions [see FFEB]; and

7. Treatment for substance abuse.

Education Code 38.054

Services Not Permitted

Reproductive services, counseling, or referrals may not be provided through a school-based health center using grant funds awarded under Education Code Chapter 38, Subchapter B. Any service provided using grant funds must be provided by an appropriate professional who is properly licensed, certified, or otherwise authorized under state law to provide the service. *Education Code 38.055–.056*

The staff of a school-based health center and the person who consents to treatment shall jointly identify any health-related concerns of a student that may be interfering with the student's well-being or ability to succeed in school.

If it is determined that a student is in need of a referral for physical health services or mental health services, the staff of the center shall notify the person whose consent is required under Education Code 38.053 verbally and in writing of the basis for the referral. The referral may not be provided unless the person provides written consent for the type of service to be provided and provides specific written consent for each treatment occasion or for a course of treatment that includes multiple treatment occasions of the same type of service.

Education Code 38.057

Advisory Council

A board may establish and appoint members to a local health education and health-care advisory council to make recommendations on the establishment of school-based health centers and to assist a district in ensuring that local community values are reflected in the operation of each center and in the provision of health education.

A majority of the members must be parents of students enrolled in the district. In addition to the appointees who are parents, a board shall also appoint at least one classroom teacher, one administrator, one school counselor, one licensed health-care professional licensed or certified to practice in this state, one member of the clergy, one person from law enforcement, one member of the business community, one senior citizen, and one student.

Education Code 38.058

A district may seek assistance in establishing and operating a school-based health center from any public agency in the community. *Education Code 38.059*

If a district is located in a county with a population not greater than 50,000 or that has been designated under state or federal law as a health professional shortage area, a medically underserved area, or a medically underserved community, the district and advisory council shall make a good-faith effort to identify and coordinate with existing providers.

The district shall keep a record of efforts made to coordinate with existing providers.

Education Code 38.060

Primary Care Physician

If a person receiving a medical service from a school-based health center has a primary care physician, the staff of the center shall provide notice of the service to that physician. Before delivering service to a person with a primary care physician under the state Medicaid program, a state children's health plan program, or a private health insurance or health benefit plan, the staff of the center shall notify that physician to share medical information and obtain authorization for delivering the medical service. *Education Code 38.061*

Funding

A district shall comply with the funding requirements and limitations set out in Education Code 38.062–.063 and with rules adopted by the commissioner of state health services. *Education Code 38.062–.063*

Standards for State-Funded Centers

If a district receives a grant from the Texas Department of State Health Services (TDSHS) to assist with the costs of operating school-based health centers, it must comply with TDSHS standards for funded centers. *25 TAC 37.531, .538*

Note: For information regarding the expansion or change to the health-care services available at a school in the district from those that were available on January 1, 1999, see FFA.

Policy and Program to Address Sexual Abuse, Trafficking, and Maltreatment

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 61.1051(b)(3)

Definitions

Child Abuse or Neglect — The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment — This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a Child — This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

19 TAC 61.1051(a)

Duty to Report

Report by Any Person — Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

Report by Any Professional — Any professional who has reasonable cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child.

A professional may not delegate to or rely on another person to make the report.

A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers.

Family Code 261.101(b)

Abuse of Persons with Disabilities

A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS).

A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report.

A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose.

Human Resources Code 48.051, .052, .054

Adult Victims of Abuse

A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

Restrictions on Reporting

Psychotropic Drugs and Psychological Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or

2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The person making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

Abuse and Neglect Involving School Personnel and Those Responsible for Care

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 61.1051(b)(1)–(2)

"Person responsible for a child's care, custody, or welfare" means a person who traditionally is responsible for a child's care, custody, or welfare, including:

1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
2. A member of the child's family or household as defined by Family Code Chapter 71;
3. A person with whom the child's parent cohabits;
4. School personnel or a volunteer at the child's school;

5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or

6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Human Resources Code Chapter 42.

Family Code 261.001(5)

Reporting Abuse, Neglect, or Exploitation in a JJAEP

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

Confidentiality of Report

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act) and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)–(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

Immunity from Liability

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

Criminal Offenses

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

SBEC Disciplinary Action

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the circumstances and in the manner required by Education Code 21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)–(f). *19 TAC 249.15(b)(4)*

Note: The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. See 40 Administrative Code Chapter 707, Subchapter B for more information regarding investigations of abuse or neglect in a school setting.

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the

abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student — The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with Investigation — A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality — A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 61.1051(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined by the board, after learning of facts giving rise to the suspicion. *19 TAC 61.1051(b)(1)*

The policies must be consistent with the Family Code Chapter 261 and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:

    a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Confidentiality provisions relating to a report of suspected child abuse or neglect;

5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 61.1051(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;

2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and

3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 61.1051(b)(5)–(b)(8)

Annual Distribution and Staff Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 61.1051(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;

2. Instructions to call 911 for emergencies; and

3. Directions for accessing the DFPS Texas Abuse Hotline website[1] for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 61.1051(e)–(f)

[1] Texas Abuse Hotline website: https://www.txabusehotline.org/

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, students and parents shall file Level One complaints with the campus principal.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The

written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or par-

ent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Student Code of Conduct

The District's rules of discipline are maintained in the Board-adopted Student Code of Conduct and are established to support an environment conducive to teaching and learning.

Rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.

At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:

1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
2. Made available on the District's website and/or as a hard copy to students, parents, teachers, administrators, and others on request.

Revisions

Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

Extracurricular Standards of Behavior

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property.

A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

"Parent" Defined

Throughout the Student Code of Conduct and discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

General Discipline Guidelines

A District employee shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property.
2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include:
    a. The seriousness of the offense;
    b. The student's age;
    c. The frequency of misconduct;
    d. The student's attitude;
    e. The potential effect of the misconduct on the school environment;
    f. Requirements of Chapter 37 of the Education Code; and
    g. The Student Code of Conduct adopted by the Board.
3. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Corporal Punishment

The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or subjected to other physical force as a means of discipline for violations of the Student Code of Conduct.

Physical Restraint

Note: A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF(LEGAL)]

Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.

2. Obtain possession of a weapon or other dangerous object.
3. Protect property from serious damage.
4. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.

Video and Audio Monitoring

Video and audio recording equipment shall be used for safety purposes to monitor student behavior on District property.

The District shall post signs notifying students and parents about the District's use of video and audio recording equipment. Students shall not be notified when the equipment is turned on.

Use of Recordings

The principal shall review recordings as needed, and evidence of student misconduct shall be documented. A student found to be in violation of the District's Student Code of Conduct shall be subject to appropriate discipline.

Access to Recordings

Recordings shall remain in the custody of the campus principal and shall be maintained as required by law. A parent or student who wishes to view a recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]

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

All disciplinary actions regarding students with disabilities must be determined in accordance with 34 C.F.R. 300.101(a) and 300.530–300.536; Education Code Chapter 37, Subchapter A; and 19 Administrative Code 89.1053 (Procedures for Use of Restraint and Time-Out). *19 TAC 89.1050(k)*

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 Ten 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 ten 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)*

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 Ten Days or Less

School personnel may remove the student for additional removals of not more than ten 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 ten school days in the same school year, during any subsequent removal of ten 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 tenth 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 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); 19 TAC 89.1050(k)

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 ten consecutive school days; or

2. Subjected to a series of removals that constitute a pattern because:

a. The series of removals total more than ten 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 ten 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 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.

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)

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 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)

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)

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 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)

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)

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)*

"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.
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.
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)

(LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; not shown in Word)

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue, bold font: **new text**.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:	**School Districts and Education Service Centers**	**Community Colleges**
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529 512.467.0222	800.580.1488 512.467.3689

Grants and Awards

The Superintendent shall be authorized to:

1. Apply, on behalf of the Board, for any and all special federal and state grants and awards as deemed appropriate for the District's operations;
2. Approve commitment of District funds for matching, cost sharing, cooperative, or jointly funded projects up to the amounts specifically allowed under the District budget approved by the Board; and
3. Approve grant and award amendments as necessary.

The District shall comply with all requirements for state and federal grants and awards imposed by law, the awarding agency, or an applicable pass-through entity. The Superintendent shall develop and enforce financial management systems, internal control procedures, procurement procedures, and other administrative procedures as needed to provide reasonable assurance that the District is complying with requirements for state and federal grants and awards.

[See CAA, CBB]

Federal Awards

Public Notice and Input

The District shall provide public notice of federal grant applications through an information item at a Board meeting and by publishing information on the District's website. The District shall make available opportunities for public input as required by law or the granting agency.

Plan Approval

Approval of required grant and award plans shall be by the Superintendent.

Conflict of Interest

Each employee, Board member, or agent of the District who is engaged in the selection, award, or administration of a contract supported by a federal grant or award and who has a potential conflict of interest as defined at Code of Federal Regulations, title 2, section 200.318, shall disclose to the District, in writing, any conflict that meets the disclosure threshold in Chapter 176 of the Local Government Code. [See CBB]

In addition, each employee, Board member, or agent of the District shall comply with any other conflict of interest requirements imposed by the granting agency or a pass-through entity.

For purposes of this policy, "immediate family member" shall have the same meaning as "family member" as described in Chapter 176 of the Government Code. [See BBFA]

For purposes of this policy, “partner” shall have the same meaning as defined in Business Organizations Code Chapter 1, Subchapter A.

An employee, Board member, or agent of the District who is required to disclose a conflict in accordance with the provisions above shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

Gifts and Gratuities

Employees, Board members, and agents of the District shall not solicit any gratuities, favors, or items from a contractor or a party to a subcontract for a federal grant or award and shall not accept:

1. Any single item with a value at or above $50; or~~$50; or~~
2. Items from a single contractor or subcontractor that have an aggregate monetary value exceeding $100 in a 12-month period.

[See BBFA, BBFB, CBB, DBD. In the event of a violation of these requirements, see CAA and DH.]

Emergency Operations Plan

The Superintendent shall ensure updating of the District's emergency operations plan and ongoing staff training.

As required by law, the emergency operations plan shall include the District's procedures addressing:

1. Reasonable security measures when District property is used as a polling place;
2. Response to an active shooter emergency; ~~and~~
3. Response to a nearby train derailment, as applicable; and
~~3.~~4. Access to campus buildings and materials necessary for a substitute teacher to carry out the duties of a District employee during an emergency or an emergency drill.

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with FFH.
2. Complaints concerning dating violence shall be submitted in accordance with FFH.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with FFH.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, ~~within the scope of Section 504~~ shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints~~Complaints~~ concerning identification, evaluation, educational placement, or discipline of a student with a disability, ~~within the scope of the Individuals with Disabilities Education Act~~ shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with CKE.

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, students and parents shall file Level One complaints with the campus principal.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The

written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or par-

ent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Student Code of Conduct

The District's rules of discipline are maintained in the Board-adopted Student Code of Conduct and are established to support an environment conducive to teaching and learning.

Rules of conduct and discipline shall not have the effect of discriminating on the basis of gender, race, color, disability, religion, ethnicity, or national origin.

At the beginning of the school year and throughout the school year as necessary, the Student Code of Conduct shall be:

1. Posted and prominently displayed at each campus or made available for review in the principal's office, as required by law; and
2. Made available on the District's website and/or as a hard copy to students, parents, teachers, administrators, and others on request.

Revisions

Revisions to the Student Code of Conduct approved by the Board during the year shall be made available promptly to students and parents, teachers, administrators, and others.

Extracurricular Standards of Behavior

With the approval of the principal and Superintendent, sponsors and coaches of extracurricular activities may develop and enforce standards of behavior that are higher than the District-developed Student Code of Conduct and may condition membership or participation in the activity on adherence to those standards. Extracurricular standards of behavior may take into consideration conduct that occurs at any time, on or off school property.

A student shall be informed of any extracurricular behavior standards at the beginning of each school year or when the student first begins participation in the activity. A student and his or her parent shall sign and return to the sponsor or coach a statement that they have read the extracurricular behavior standards and consent to them as a condition of participation in the activity.

Standards of behavior for an extracurricular activity are independent of the Student Code of Conduct. Violations of these standards of behavior that are also violations of the Student Code of Conduct may result in independent disciplinary actions.

A student may be removed from participation in extracurricular activities or may be excluded from school honors for violation of extracurricular standards of behavior for an activity or for violation of the Student Code of Conduct.

"Parent" Defined

Throughout the Student Code of Conduct and discipline policies, the term "parent" includes a parent, legal guardian, or other person having lawful control of the child.

General Discipline Guidelines

A District employee shall adhere to the following general guidelines when imposing discipline:

1. A student shall be disciplined when necessary to improve the student's behavior, to maintain order, or to protect other students, school employees, or property.
2. A student shall be treated fairly and equitably. Discipline shall be based on an assessment of the circumstances of each case. Factors to consider shall include:
    a. The seriousness of the offense;
    b. The student's age;
    c. The frequency of misconduct;
    d. The student's attitude;
    e. The potential effect of the misconduct on the school environment;
    f. Requirements of Chapter 37 of the Education Code; and
    g. The Student Code of Conduct adopted by the Board.
3. Before a student under 18 is assigned to detention outside regular school hours, notice shall be given to the student's parent to inform him or her of the reason for the detention and permit arrangements for necessary transportation.

Corporal Punishment

The Board prohibits the use of corporal punishment in the District. Students shall not be spanked, paddled, or subjected to other physical force as a means of discipline for violations of the Student Code of Conduct.

Physical Restraint

Note: A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF(LEGAL)]

Within the scope of an employee's duties, a District employee may physically restrain a student if the employee reasonably believes restraint is necessary in order to:

1. Protect a person, including the person using physical restraint, from physical injury.
2. Obtain possession of a weapon or other dangerous object.

3. Protect property from serious damage.

~~3.~~4. Remove a student refusing a lawful command of a school employee from a specific location, including a classroom or other school property, in order to restore order or to impose disciplinary measures.

~~4. Control an irrational student.~~

~~5.1. Protect property from serious damage.~~

~~A District employee may restrain a student with a disability who receives special education services only in accordance with law. [See FOF(LEGAL)]~~

Video and Audio Monitoring

Video and audio recording equipment shall be used for safety purposes to monitor student behavior on District property.

The District shall post signs notifying students and parents about the District's use of video and audio recording equipment. Students shall not be notified when the equipment is turned on.

Use of Recordings

The principal shall review recordings as needed, and evidence of student misconduct shall be documented. A student found to be in violation of the District's Student Code of Conduct shall be subject to appropriate discipline.

Access to Recordings

Recordings shall remain in the custody of the campus principal and shall be maintained as required by law. A parent or student who wishes to view a recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]

Regular Meeting

Wednesday, November 9, 2022 5:30 PM
SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849

1. **GENERAL FUNCTIONS**

1.A. Call Meeting to Order

Meeting was called to order at 5:30 p.m.

1.B. Roll Call

The following Board of Trustees were present: Mrs. Sandra Licon, Board President; Mrs. Myrna Hernandez, Board Vice-President; Mr. Fernie Madrid, Board Trustee; Mr. Eduardo Chavez, Board Trustee; Mr. Axel Lopez, Board Trustee

Dr. Jeannie Meza-Chavez, Superintendent, was also in attendance.

Mrs. Michelle Garcia, Board Secretary, was absent.

1.C. Pledge of Allegiance

1.D. **San Elizario ISD Mission Statement**
San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

2. **OPEN FORUM** (five minute limit)

Mr. Ernesto Seigel, Principal, Sambrano Elementary, introduced students that created Dia de los Muertos altar. He also introduced Sambrano’s Advanced Ballet Folklorico students and sponsor. Sambrano’s Advanced Ballet Folklorico performed during this time.

Mrs. Amanda Sanchez, Special Education Director, introduced Ms. Melinda Ramirez, Teacher of students with visual impairments. Mrs. Melinda Ramirez introduced all SEISD students with visual impairments as October was Blindness Awareness Month.

Mrs. Mercedes Jasso, District Elementary Librarian, shared an update on the accomplishments of the Elementary libraries.

Mr. Raul Jacques, Director of Child Nutrition Services, gave a summary of his tenure in SEISD and bid farewell to the Board of Trustees.

Ms. Sandra Licon, Board President, thanked him for his years of service in SEISD.

3. **DISTRICT RECOGNITIONS**

3.A. Ms. Joselyne Zuñiga, Region 19 Elementary Teacher of the Year, Lorenzo G. Alarcon Elementary, 5th grade Bilingual Teacher

Mrs. Leticia de Santos, Principal, Alarcon Elementary, introduced and congratulated Mrs. Joselyn Zuñiga for her accomplishment.

Dr. Jeannie Meza-Chavez, Superintendent, also congratulated Mrs. Joselyn Zuñiga for her job well done during the Texas State Teacher of the Year event.

3.B. Teacher and Employee of the Month for Sambrano Elementary School

3.B.1. Ms. Corina Garcia, Sambrano Elementary Teacher of the Month

Mr. Ernesto Seigel, Principal, Sambrano Elementary, recognized Ms. Corina Garcia for being selected Sambrano Elementary Teacher of the Month.

3.B.2. Ms. Rosa Correa, Sambrano Elementary Employee of the Month

Ms. Rosa Correa was not in attendance but Mr. Ernesto Seigel, Principal, Sambrano Elementary, recognized Ms. Rosa Correa for being selected Sambrano Elementary Employee of the Month.

3.C. TACS Today - San Elizario ISD Featured

Mr. Barry Heanisch, TACS Executive Director, congratulated SEISD and Dr. Jeannie Meza-Chavez, Superintendent, for the articles featured in the September 2022 TACS Today Magazine.

Dr. Jeannie Meza-Chavez, Superintendent, congratulated all SEISD employees who were part of the articles featured in the September 2022 TACS Today Magazine.

3.D. Texas Education Agency (TEA) Purple Star Campus Designation

Mr. Horacio Hernandez, Technology Department Director, recognized campus military liaisons, district parent liaison and communications team for attaining the Purple Star campus Designation throughout our 6 campuses.

3.E. Introduction of New Employees

3.E.1. Mrs. Lorena Robles, Assistant Principal, Lorenzo G. Alarcon Elementary School

Mrs. Leticia de Santos, Principal, Alarcon Elementary, introduced and welcomed Mrs. Lorena Robles as the new Assistant Principal at Alarcon Elementary.

4. **NEW BUSINESS / BOARD ACTION ITEMS**

4.A. Student Outcome Goals

4.A.1. Sambrano Elementary School - Monitoring Student Progress

Mr. Ernesto Seigel, Principal, Sambrano Elementary, presented Sambrano Elementary School – Monitoring Student Progress Presentation

Mrs. Myrna Hernandez asked if 10 minutes is long enough for a walkthrough.

Mr. Ernesto Seigel stated walkthroughs are usually 10 to 15 minutes, in comparison to observations that last 45 minutes.

Mr. Fernie Madrid would like to know what the recognition is for classes with high ADA.

Mr. Ernesto Seigel stated students are recognized during awards assembly. They will also start class monthly recognition.

Dr. Jeannie Meza-Chavez informed the board walkthroughs can range from 2 minutes to 15 minutes. Time variation depends on administrators.

4.B. Consider and approval of the Annual Financial Report for the Fiscal Year Ended June 30, 2022

Mr. Norberto Rivas presented Ms. Shelly Ruddock and Mr. Mario Arenas, Financial Auditors.

Ms. Shelly Ruddock presented the Financial Report for the Fiscal Year Ended June 30, 2022.

Mr. Fernie Madrid made a motion to approve the Annual Financial Report for the Fiscal Year Ended June 30, 2022. Mrs. Myrna Hernandez seconded the motion.

Motion passed.

4.C. Discussion and possible board action on requiring the use of clear backpacks as recommended by the District School Safety Committee for the 2023 - 2024 School Year

Dr. Rogelio Segovia mentioned the district school safety committee would like to require clear backpacks during extracurricular activities and regular school day for the upcoming school year.

Mr. Fernie Madrid likes the idea but thinks clear backpacks do not have a variety that will accommodate all students. He would like for the personnel to look for vendors to check on prices and design variety.

Mrs. Myrna Hernadez stated it would be a good idea to start with extracurricular.

Mrs. Sandra Licon also agreed with starting with clear backpacks during extracurricular activities.

Mr. Eduardo Chavez asked if student athletes would need to carry a clear duffle gear bag.

Dr. Rogelio Segovia stated clear backpacks are only required for all guests attending the extracurricular events. Students will be required to wear a clear backpack during the school day and when attending extracurricular activities as spectators. District issued athletic duffle gear bags will continue to be used by student athletes.

Mr. Eduardo Chavez needs more information to approve the item.

Mr. Fernie Madrid made a motion to table item 4C. Mr. Eduardo Chavez seconded the motion.

Motion passed.

4.D. Discussion for consideration of the School Marshal Program

Dr. Rogelio Segovia stated the district school safety committee would like the board to have a discussion of the School Marshal Program. The School Marshal Program allows current District employees to become school marshals after completing all the requirements set by the Texas Commission on Law Enforcement (TCOLE).

Mr. Fernie Madrid asked what the daily duties would be for a school marshal.

Dr. Rogelio Segovia stated the school marshals would be current employees who already have daily duties as teachers, counselors, Aides, etc…

Dr. Rogelio Segovia stated weapons would be stored in a appropriate gun storage cabinet in an undisclosed location on campus grounds.

Mr. Eduardo Chavez stated regulations and criteria set by TCOLE are too little.

Dr. Rogelio Segovia stated regulations and district policy are set after the board asks for the district to move forward with the school Marshal program.

Dr. Jeannie Meza-Chavez would like the board to give more direction on how District personnel should proceed.

Dr. Jeannie Meza-Chavez recommended a 45-min listening circle between teachers, board members and the district school safety committee.

4.E. Discussion for consideration of the 2023-2024 School Year District Calendar

Dr. Jeannie Meza-Chavez stated district administration would like for the board to consider a 4-day school/work week for the

2023-2024 School Year District Calendar.

Mr. Eduardo Chavez stated this is a good innovative idea to retain and recruit employees. Mr. Eduardo Chavez would like for all district employees to get a chance to input on this item.

Mr. Fernie Madrid asked what would happen to hourly employees who are required to work 5 days to complete their 40 hours.

Mrs. Blanca Cruz explained the annual income for hourly employees would stay the same even if they work less days and do not reach the 40 hours per week.

Mr. Fernie Madrid asked what about the instructional days required for students.

Dr. Jeannie Meza-Chavez and Mrs. Blanca Cruz explained the state instructional time requirement is now based on minutes not by a certain number of days. Instructional days for students will raise by 55 minutes or 85 minutes.

Mr. Fernie Madrid asked if employees would get less local or state days.

Mrs. Blanca Cruz explained the district will keep providing the same amount of local and state days. The non-duty days will change due to the decrease in working days.

Mrs. Sandra Licon asked, how would after-school tutoring work?

Mrs. Blanca Cruz explained the extra minutes added to the school days allows for extra intervention for students in need of tutoring.

Dr. Jeannie Meza-Chavez explained SEISD is offering two 4-day school year calendar options and master schedules have been drafted to fit any of the two options.

Dr. Rogelio Segovia explained draft Secondary school master schedules have been created. Secondary school Master Schedules include a class period for intervention. Saturday School will still be offered.

Mr. Eduardo Chavez asked for more information on pay for all employees and

for students in special populations.

Dr. Jeannie Meza-Chavez indicated administration will research more on employee pay and students in special populations.

Mr. Jesus Martinez stated he is working on security employee schedules that work 250 days.

Mrs. Myrna Hernandez asked why custodians work during thanksgiving break.

Mr. Jesus Martinez explained custodians get the thanksgiving break.

Dr. Jeannie Meza-Chavez and Mr. Jesus Martinez explained custodians work during long breaks so they can complete projects that require the buildings to be uninhabited.

Dr. Jeannie Meza-Chavez stated this item will be brought to the board in January 2023 for discussion and approval.

5. **CONSENT AGENDA** - Consider and possible Board action on

Mr. Fernie Madrid had a question on item 5D. Mr. Fernie Madrid asked why SEISD would need to approve an emergency reunification and sheltering with Tornillo ISD if we have the appropriate accommodations within our district.

Mrs. Priscilla de Mata, Legal Counsel, stated item 5D would have to be moved into closed session to have a further discussion due to confidentiality.

Mrs. Priscilla de Mata proposed a motion to move agenda item 5D from the consent agenda into closed session to answer any question you have pursuant to section 551.076 and 551.089 of the Texas Government Code to discuss two proposed MOUs for Emergency Reunification and Sheltering wherein SEISD shall serve as host or visiting entity.

Mr. Fernie Madrid made a motion to move agenda item 5D from the consent agenda into closed session to answer any question you have pursuant to section 551.076 and 551.089 of the Texas Government Code to discuss two proposed MOUs for Emergency Reunification and

Sheltering wherein SEISD shall serve as host or visiting entity.
Mr. Eduardo Chavez seconded the motion.

Motion Passed.

Mrs. Eduardo Chavez made a motion to approve the consent agenda with the exception of item 5E.

Mr. Fernie Madrid seconded the motion.

Motion passed.

Mr. Eduardo Chavez made a motion to amend item 5.E. October 12, 2022 – Regular Board Minutes to include the time Mrs. Michelle Garcia asked to be excused from the meeting. The time was 7:01 p.m.

Mr. Fernie Madrid seconded the motion.

Motion passed.

5.A. Financial Reports

5.A.1. Tax Report

5.A.2. Financial Statements

5.A.3. Investment Report

5.A.4. Purchase Orders exceeding $25,000.00

5.A.4.a. PO # 46289 - Dell Marketing L.P. - $26,274.00
PO # 46290 - Shi Government Solutions Inc. - $52,280.85

5.B. Goal Progress Monitoring

5.B.1. GPM 1.2 - 3rd Grade Math Progress
GPM 1.3 - 8th Grade Math Progress
GPM 1.4 - High School Algebra I Math Progress

5.C. UTEP - Educational Experience Affiliation and Undergraduate Nursing Program Agreement

5.D. Discussion and possible action to approve two MOUs for Emergency Reunification and Sheltering wherein SEISD shall serve as host or visiting entity

5.E. Consider approval of minutes for the following:

5.E.1. October 12, 2022 - Regular Board Meeting

5.F. Consider disposal of surplus property declared obsolete and unnecessary by

Superintendent or her Designee, to include disposal of broken furniture and technology equipment according to Administrative discretion and by any reasonable means.

5.F.1. Technology Department

6. **PRESENTATION / REPORTS / INFORMATION**

Mr. Fernie Madrid commented on item 6F by thanking Mr. Raul Jacques for his hard work and dedication to the district.

Mrs. Myrna Hernandez wanted to know the outcome of item 6E.

Dr. Jeannie Meza-Chavez and Dr. Rogelio Segovia explained TEA now requires Intruder Detection Audits. Borrego Elementary campus was the audit campus. The intruder tried to walk to our campus but was stopped by security guard posted at the entry gate. Auditor then identified herself. Auditor was escorted into the campus by counselor to conclude the audit. The Audit form came back with a "No Findings" results.

Mrs. Myrna Hernandez congratulated Borrego Elementary for passing the audit.

Mr. Fernie Madrid asked what would happen if the district hadn't passed the audit.

Dr. Jeannie Meza-Chavez stated our district would have been flagged as failing the audit.

Mr. Jesus Martinez stated the district is required to present the finding on the audit during a public meeting.

6.A. Bilingual Education Exception (Information)

6.B. Monitoring Superintendent Constraints (Information)

6.B.1. CPM 2.1: The number of Principal classroom walkthroughs per week with feedback will increase from 2 in June 2018 to 10 by June 2024.

6.B.2. CPM 2.2: The number of Assistant Principal classroom walkthroughs per week with feedback will increase from 2 in June 2018 to 10 by June 2024.

6.C. Purple Star Campus Designation Awardees SY 2022 - 2023 (Information)

6.D. TEA Request to Serve on the Policy Committee on Public Education Information, PCPEI (Information)

6.E. Texas School Safety Center - Intruder Detection Audit Finding (Information)

6.F. Meal Service Update (Information)

7. **EXECUTIVE SESSION**

The Board entered a closed meeting at **8:02 p.m.** to discuss personnel matters, to consult with attorney, to discuss real estate matters, to consider recommendations for hiring of personnel or termination of personnel and other personnel matters under Sec. 551.071, 551.072 and 551.074, Texas Gov. Code:

Item 5D was moved to closed meeting pursuant to section 551.076 and 551.089 of the Texas Government Code to discuss two proposed MOUs for Emergency Reunification and Sheltering wherein SEISD shall serve as host or visiting entity

7.A. Discussion on Employee / Board / Superintendent Communication

7.B. Discussion regarding the Administration's recommendation for the Assistant Principal position at San Elizario High School

7.C. Discussion regarding the Administration's recommendation for the Child Nutrition Services Director position

7.D. Review Board Operating Procedures and discuss possible revisions/updates

8. **THE BOARD WILL RETURN TO OPEN SESSION TO TAKE POSSIBLE ACTION ON THE MATTERS DISCUSSED IN EXECUTIVE SESSION**

The Board returned to open session at 10:45 p.m. to take possible action on the matters discussed in Executive Session.

Mr. Fernie Madrid made a motion to approve item 5D - Discussion and possible action to approve two MOUs for Emergency Reunification and Sheltering wherein SEISD shall serve as host or visiting entity.

Mrs. Myrna Hernandez seconded the motion.

Motion Passed.

8.A. Discussion and possible action to approve the Administration's recommendation for the Assistant Principal position at San Elizario High School

Mr. Fernie Madrid made a motion to approve Ms. Melissa Nunn to fill the Assistant Principal position at San Elizario High

School.

Mr. Eduardo Chavez seconded the motion.

Motion Passed.

8.B. Discussion and possible action to approve the Administration's recommendation for the Child Nutrition Services Director position

Mr. Eduardo Chavez made a motion to approve Ms. Agueda Reyes to fill the Child Nutrition Services Director Position

Mr. Eduardo Lopez seconded the motion.

Motion passed.

8.C. Discussion and possible action to approve revisions and updates to the Board Operating Procedures

Mrs. Myrna Hernandez made a motion to approve revisions and updates to the Board Operating Procedures.

Mr. Fernie Madrid seconded the Motion.

Motion Passed

8.D. Receive training and attendance report regarding October 25-27, 2022 MASBA Conference from Board Members in attendance

Mrs. Sandra Licon presented the hours each board of trustee acquired while attending the MASBA Conference.
Mrs. Sandra Licon – 14 Hours
Mrs. Myrna Hernandez - 6 Hours
Mrs. Michelle Garcia - 5 Hours
Mr. Eduardo Chavez - 7 Hours
Mr. Axel Lopez - 6 Hours
Dr. Jeannie Meza-Chavez - 8 Hours

9. **NEXT MEETING DATE:**
No Regular Board Meeting will be held in the month of December 2022
Regular Board Meeting: Wednesday, January 18, 2023 at 5:30 p.m.

10. **ADJOURNMENT**

Mr. Fernie Madrid made a motion to adjourn the meeting. Mr. Axel Lopez seconded the motion. Motion passed. Time: 10:49 p.m.

_____
Board President

_____
Board Secretary

Special Meeting - Canvassing

Thursday, November 17, 2022 5:00 PM
SEISD Administration Office, 1050 Chicken Ranch Road, San Elizario, TX 79849

1. **GENERAL FUNCTIONS**

1.A. Call Meeting to Order

Meeting was called to order at 5:00 p.m.

1.B. Roll Call

The following Board of Trustees were present: Mrs. Sandra Licon, Board President; Mrs. Myrna Hernandez, Board Vice-President

Dr. Jeannie Meza-Chavez, Superintendent, was also in attendance.

1.C. Pledge of Allegiance

1.D. **San Elizario ISD Mission Statement**
San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district.

2. **NEW BUSINESS/ACTION ITEMS**

2.A. Discuss and consider adoption of a Certificate and related Order Canvassing the November 8, 2022, Bond Election Returns.

Mrs. Myrna Hernandez made a motion canvassing the bond election held on November 8, 2022.

Motion Passed

3. **ADJOURNMENT**

Mrs. Myrna Hernandez made a motion to adjourn meeting.

Motion Passed. Time: 5:02 p.m.

_____
Board President

_____
Board Secretary

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Jesus Martinez, Director-Support Services
Subject: December 2022, Non-Technology Fixed Asset Discards
Date: January 18, 2023

HISTORY: Campuses and departments periodically replace obsolete, broken or non-repairable items. We assist campuses and departments in removing these items to maximize space and minimize unnecessary item accumulation.

RATIONALE: To prevent unnecessary accumulation of obsolete, broken or non-repairable fixed assets at all our campuses and in departments, discard requests are now submitted on a monthly basis until further notice.

BUDGET: No budget impact

ADMINISTRATIVE RECOMMENDATION: For the Board of Trustees to declare the listed fixed assets as surplus or discards and authorize administration to sell or dispose of by any reasonable means.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only
☒ Attachment Included

Fixed Asset Discard List

[x] Other: ___Grounds_____

[ ] Excell [ ] Loya

Campus (Please Check Appropriate Campus)

[ ] SE High School [ ] Middle School [ ] Alarcon [ ] Borrego [ ] Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	Grounds	Blower	2600002060	1	Unrepairable
2	Grounds	Blower	2600002263	1	Unrepairable
3	Grounds	Blower	906042944	1	Unrepairable
4	Grounds	Blower	906043533	1	Unrepairable
5	Grounds	Blower	911110453	1	Unrepairable
6	Grounds	Hedger	1605080553	1	Unrepairable
7	Grounds	Weed Trimmer	1208243226	1	Unrepairable
8	Grounds	Weed Trimmer	1506081030	1	Unrepairable
9	Grounds	Weed Trimmer	1010111212	1	Unrepairable
10	Grounds	Air Compressor	#0000200000	1	Unrepairable
11	Grounds	Vacuum	2600004009	1	Unrepairable
12	Grounds	Air Compressor	#042250450	1	Unrepairable
13	Grounds	Weed Trimmer	1408200033	1	Unrepairable
14	Grounds	Blower	1102232951	1	Unrepairable
15	Grounds	Handtruck	101014807	1	Unrepairable
16	Grounds	Hedger	606285536	1	Unrepairable
17	Grounds	Hedger	911110857	1	Unrepairable
18	Grounds	Pole Pruner	911061056	1	Unrepairable
19	Grounds	Saw	101010216	1	Unrepairable
20	Grounds	Chalk Machine	601263047	1	Unrepairable
21	Grounds	Rotary Auto Lift	#0000568400	1	Unrepairable
22	Grounds	Aerator	#0000434800	1	Unrepairable
23	Grounds	Mower	#0000242700	1	Unrepairable
24					
25					
26					
27					
28					
29					
30					

Date: 12/6/22

Authorized Campus Signature_____

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☐ Loya

Campus (Please Check Appropriate Campus)

☒ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room/#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	portable	file cabinet	none	1	not in use
2	portable	file cabinet	none	1	not in use
3	portable	file cabinet	none	1	not in use
4	portable	file cabinet	none	1	not in use
5	portable	file cabinet	none	1	not in use
6	portable	file cabinet	none	1	not in use
7	portable	file cabinet	none	1	not in use
8	portable	file cabinet	none	1	not in use
9	portable	file cabinet	none	1	not in use
10	portable	file cabinet	101014405	1	not in use
11	portable	file cabinet	101014386	1	not in use
12	portable	file cabinet	101014520	1	not in use
13	portable	metal storage	none	1	not in use
14	portable	metal storage	none	1	not in use
15	portable	metal storage	none	1	not in use
16	portable	metal storage	none	1	not in use
17	portable	metal storage	none	1	not in use
18	portable	metal storage	none	1	not in use
19	portable	metal storage	101012905	1	not in use
20	portable	metal storage	510112205	1	not in use
21	portable	metal storage	603272101	1	not in use
22	portable	metal storage	7664	1	not in use
23	portable	metal storage	7670	1	not in use
24	portable	metal storage	7672	1	not in use
25	portable	metal storage	610304437	1	not in use
26	portable	metal storage	7665	1	not in use
27	portable	metal storage	610112515	1	not in use
28	portable	art desks	none	3	not in use
29	portable	library bookshelvs	none	2	not in use
30					

Da 10/27/2022

Authorized Campus Signature _____

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☐

Campus (Please Check Appropriate Campus)

☒ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐

	Room#	Description	Tag Number/Serial	Qty	Comments/
1	605	File cabinet	none	1	not in use
2	605	File cabinet	none	1	not in use
3	605	File cabinet	none	1	not in use
4	605	File cabinet	none	1	not in use
5	605	File cabinet	none	1	not in use
6	605	File cabinet	none	1	not in use
7	605	File cabinet	none	1	not in use
8	605	File cabinet	none	1	not in use
9	605	File cabinet	602032434	1	not in use
10	605	File cabinet	101014381	1	not in use
11	605	File cabinet	101014510	1	not in use
12	605	File cabinet	546300	1	not in use
13	605	File cabinet	101014385	1	not in use
14	605	File cabinet	710040959	1	not in use
15	605	File cabinet	51041546	1	not in use
16	605	whirlpool refrigerator	818000	1	not good
17	605	press printer	2600000193	1	not in use
18	605	projector screens	none	19	not in use
19	605	office dividers	none	4	not in use
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

Da 10/27/2022

Authorized Campus Signature _____

Fixed Asset Discard List

[XX] **Other** Technology

[ ] **Excell** [ ] **Loya**

Campus (Please Check Appropriate Campus)

[ ] **SE High School** [ ] **GEMS** [ ] **Alarcon** [XX] **Borrego** [ ] **Sambrano**

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	Cafeteria	LG Fridge/Freezer	None	1	Non Functioning
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
32					
33					
34					
35					
36					

Date: 1/4/23

Authorized Campus Signature [signature]

Page 1 of 1

San Elizario I.S.D.
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Horacio Hernandez, Technology Director
Subject: December 2022 Technology Fixed Asset Discard
Date: January 18, 2023

HISTORY:
Campus and Departments periodically replace obsolete or non-repairable technology items. In order to aid the campuses and departments in removing these items to maximize space, the Technology Department will be submitting monthly disposal lists for approval.

RATIONALE:
Items shown on the attached lists have been reviewed by the District Technology Department and concur with campus/departments administration to dispose or sell listed items.

BUDGET IMPACT:
No budget impact.

ADMINISTRATIVE RECOMMENDATION:
For the Board to declare the fixed assets listed as surplus and authorize administration to sell or dispose of items by any reasonable means.

Please check one: X For approval ☐ Report/Information only ☐ Recognition only

Loya
Primary

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial		Qty		Comments/Reasons
1	C2	Promethean Boards	1106301816		1		Obsolete
2	C2	Promethean Boards	1006045916		1		Obsolete
3	C2	Promethean Boards	1506302711		1		Obsolete
5	C2	Promethean Boards	908174740		1		Obsolete
6	C2	Promethean Boards	1106303831		1		Obsolete
7	C2	Promethean Boards	1007062900		1		Obsolete
8	C2						
9	C2						
10	C2						
11	C2						
12	C2						
13	C2						
14	C2						
15	C2						
16	C2						
17	C2						
18	C2						
19	C2						
20	C2						
21	C2						
22	C2						
23	C2						
24	C2						
25	C2						
26	C2						
27	C2						
28	C2						
29	C2						
30	C2						

Date: 5/28/21

Authorized Campus Signature _____

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial		Qty		Comments/Reasons
1	C2	iPad	1505191448		1		Obsolete
3	C2	iPad	1511131422		1		Obsolete
5	C2	iPad	1505191034		1		Obsolete
6	C2	iPad	2600000861		1		Obsolete
7	C2	iPad	1501212844		1		Obsolete
8	C2	iPad	1510234141		1		Obsolete
9	C2	iPad	1411171422		1		Obsolete
10	C2	iPad	1411174208		1		Obsolete
11	C2	iPad	1411171245		1		Obsolete
12	C2	iPad	3600002321		1		Obsolete
13	C2	iPad	2600000863		1		Obsolete
14	C2						
15	C2						
16	C2						
17	C2						
18	C2						
19	C2						
20	C2						
21	C2						
22	C2						
23	C2						
24	C2						
25	C2						
26	C2						
27	C2						
28	C2						
29	C2						
30	C2						

Date: 5/28/21

Authorized Campus Signature

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial			Qty		Comments/Reasons
5	C2	Recorder	1010125355			1		Obsolete
6	C2	Recorder	704120242			1		Obsolete
7	C2	RCA DVD Player	503171632			1		Obsolete
8	C2	RCA DVD Player	503171546			1		Obsolete
9	C2	RCA DVD Player	404060957			1		Obsolete
10	C2	Kodax Camera	803203925			1		Obsolete
11	C2	Sony CamCorder	808211220			1		Obsolete
12	C2	Sony CamCorder	808211019			1		Obsolete
13	C2	Nikon Camera	1106271537			1		Obsolete
14	C2	CanonPowerShot	901274908			1		Obsolete
15	C2							
16	C2							
17	C2							
18	C2							
19	C2							
20	C2							
21	C2							
22	C2							
23	C2							
24	C2							
25	C2							
26	C2							
27	C2							
28	C2							
29	C2							
30	C2							
	C3							
	C4							

Date: 5/28/21

Authorized Campus Signature

☐ Other_____

Fixed Asset Discard List (Furniture)

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial		Qty		Comments/Reasons
1	C2	iPad	1510234040		1		Obsolete
2	C2	iPad	1510235715		1		Obsolete
3	C2	iPad	1510235628		1		Obsolete
5	C2	iPad	1510233113		1		Obsolete
6	C2	iPad	1510233206		1		Obsolete
7	C2	iPad	1511131023		1		Obsolete
8	C2	iPad	1510235805		1		Obsolete
9	C2	iPad	1510234622		1		Obsolete
10	C2	iPad	1505191314		1		Obsolete
11	C2	iPad	1411173705		1		Obsolete
12	C2	iPad	1411170759		1		Obsolete
13	C2	iPad	1411172006		1		Obsolete
14	C2	iPad	1411172139		1		Obsolete
15	C2	iPad	1411171721		1		Obsolete
16	C2	iPad	1411171513		1		Obsolete
17	C2	iPad	3600000216		1		Obsolete
18	C2	iPad	1411172405		1		Obsolete
19	C2	iPad	1411172910		1		Obsolete
20	C2	iPad	1411172835		1		Obsolete
21	C2	iPad	1411174334		1		Obsolete
22	C2	iPad	1411171915		1		Obsolete
23	C2	iPad	1411173339		1		Obsolete
24	C2	iPad	1411173418		1		Obsolete
25	C2	iPad	1402264814		1		Obsolete
26	C2	iPad	1510234308		1		Obsolete
27	C2	iPad	1511131115		1		Obsolete
28	C2	iPad	1510234228		1		Obsolete
29	C2	iPad	1510190424		1		Obsolete
30							

Date: 5/28/21

Authorized Campus Signature _____

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial			Qty		Comments/Reasons
1	C2	Kodax Camera	803203925			1		Obsolete
2	C2	Sredder Fellows	1502033330			1		Obsolete
3	C2	Vacuumm Betco	1506221658			1		Obsolete
4	C2	Scan Snap	1010084251			1		Obsolete
5	C2	Label Writer	2600001004			1		Obsolete
6	C2	Activ Votes Prom	908174924			1		Obsolete
7	C2	Black & Decker	2600000329			1		Obsolete
8	C2	Fellows	1502033230			1		Obsolete
9	C2	Casio Camera	803314144			1		Obsolete
10	C2	Laminating Machine	2600001531			1		Obsolete
11	C2	Herit	1502181749			1		Obsolete
12	C2	Herit	1502181636			1		Obsolete
13	C2	Herit	1506033619			1		Obsolete
14	C2	Herit	1502181825			1		Obsolete
15	C2	Eiki Cassette	703265550			1		Obsolete
16	C2	Eiki Cassette	405100857			1		Obsolete
17	C2	Eiki Cassette	405101136			1		Obsolete
18	C2	Eiki Cassette	703265748			1		Obsolete
19	C2	Eiki Cassette	7300			1		Obsolete
20	C2	Listening Center	101011029			1		Obsolete
21	C2	Listening Center	101011030			1		Obsolete
22	C2	Card Master	1312124721			1		Obsolete
23	C2							
24	C2							
	C3							
	C4							

Date: 5/28/21

Authorized Campus Signature _____

Page 4 of 11

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial			Qty		Comments/Reasons
1	C2	TV VIZIO	1604290017			1		Obsolete
2	C2	ViewSonic	808261242			1		Obsolete
3	C2	TruFlat TV	405171046			1		Obsolete
4	C2	RCA TV Combo	405171306			1		Obsolete
5	C2							
6	C2							
7	C2							
8	C2							
9	C2							
10	C2							
11	C2							
12	C2							
13	C2							
14	C2							
15	C2							
16	C2							
17	C2							
18	C2							
19	C2							
20	C2							
21	C2							
22	C2							
23	C2							
24	C2							
25	C2							
26	C2							
27	C2							
28	C2							
29	C2							
30	C2							

Date: 5/28/21

Authorized Campus Signature _____

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial			Qty		Comments/Reasons
1	C2	Epson	605024923			1		Obsolete
2	C2	Epson	1104204049			1		Obsolete
3	C2	Boxlight	1506303413			1		Obsolete
4	C2							
5	C2							
6	C2							
7	C2							
8	C2							
9	C2							
10	C2							
11	C2							
12	C2							
13	C2							
14	C2							
15	C2							
16	C2							
17	C2							
18	C2							
19	C2							
20	C2							
21	C2							
22	C2							
23	C2							
24	C2							
25	C2							
26	C2							
27	C2							
28	C2							
29	C2							
30	C2							

Date: 5/28/21

Authorized Campus Signature _____

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial		Qty	Comments/Reasons
1	C2	CD Player Lakeshore	1305151226		1	Obsolete
2	C2	CD Player Lakeshore	1006164422		1	Obsolete
3	C2	CD Player Lakeshore	1303130844		1	Obsolete
4	C2	CD Player Lakeshore	1305151057		1	Obsolete
5	C2	CD Player Lakeshore	1010125320		1	Obsolete
6	C2	CD Player Lakeshore	1305151538		1	Obsolete
7	C2	CD Player Lakeshore	1305151336		1	Obsolete
8	C2	CD Player Lakeshore	1305151558		1	Obsolete
9	C2	CD Player Lakeshore	1010125120		1	Obsolete
10	C2	CD Player Lakeshore	1305151119		1	Obsolete
12	C2	CD Player Lakeshore	1303261420		1	Obsolete
13	C2	CD Player Lakeshore	1303261124		1	Obsolete
16	C2	CD Player Calofone	1405155543		1	Obsolete
17	C2	CD Player Calofone	1010125355		1	Obsolete
24	C2	CD Player Calofone	704120242		1	Obsolete
25	C2					
26	C2	Kaeido JOG JVC	405101136		1	Obsolete
27	C2					
28	C2					
29	C2					
30	C2					

Date: 5/28/21

Authorized Campus Signature

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial		Qty		Comments/Reasons
1	C2	Apple cpu	**411304525**		1		Obsolete
2	C2	dell cpu	**1211301048**		1		Obsolete
3	C2	dell cpu	**1301284010**		1		Obsolete
4	C2	dell cpu	**1006222831**		1		Obsolete
5	C2	dell cpu	**1006223054**		1		Obsolete
6	C2	dell cpu	**1006223142**		1		Obsolete
7	C2	dell cpu	1105042557		1		Obsolete
8	C2	dell cpu	1105043133		1		Obsolete
9	C2	dell cpu	1105043448		1		Obsolete
10	C2	dell cpu	1105044509		1		Obsolete
11	C2	dell cpu	1105043711		1		Obsolete
12	C2	dell cpu	1105042521		1		Obsolete
13	C2	dell cpu	1105042637		1		Obsolete
14	C2	dell cpu	1105042817		1		Obsolete
15	C2	dell cpu	1105042320		1		Obsolete
17	C2	dell cpu	1105043012		1		Obsolete
18	C2	dell cpu	1105043212		1		Obsolete
19	C2	dell cpu	1105044247		1		Obsolete
20	C2	dell cpu	1105042320		1		Obsolete
21	C2	dell cpu	1105044110		1		Obsolete
22	C2	dell cpu	1105043833		1		Obsolete
23	C2	dell cpu	1006221626		1		Obsolete
24	C2	dell cpu	1302124804		1		Obsolete
25	C2	dell cpu	1302124646		1		Obsolete
26	C2	dell cpu	1302124513		1		Obsolete
27	C2	dell cpu	1302123613		1		Obsolete
28	C2	dell cpu	1302124555		1		Obsolete
29	C2	dell cpu	1302124427		1		Obsolete
	C2	dell cpu	1105042852		1		Obsolete
	C2	dell cpu	1105044327		1		Obsolete
30	C2	dell cpu	1302122954		1		Obsolete

Date: 5/28/21

Authorized Campus Signature

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial		Qty		Comments/Reasons
1	C2	dell cpu	**1302123751**		1		Obsolete
2	C2	dell cpu	**1105043940**		1		Obsolete
3	C2	dell cpu	**1105044019**		1		Obsolete
4	C2	dell cpu	**1105042932**		1		Obsolete
5	C2	dell cpu	**1302122522**		1		Obsolete
6	C2	dell cpu	**1006221208**		1		Obsolete
7	C2	dell cpu	1105044400		1		Obsolete
8	C2	dell cpu	1105043334		1		Obsolete
9	C2	dell cpu	1302124724		1		Obsolete
10	C2	dell cpu	1301284056		1		Obsolete
11	C2	dell cpu	1302123700		1		Obsolete
12	C2	dell cpu	1302122733		1		Obsolete
13	C2	dell cpu	1302123344		1		Obsolete
14	C2	dell cpu	1105043907		1		Obsolete
15	C2	dell cpu	1302123116		1		Obsolete
16	C2	dell cpu	1302124054		1		Obsolete
17	C2	dell cpu	1302122903		1		Obsolete
18	C2	dell cpu	1004063950		1		Obsolete
20	C2	dell cpu	1006221703		1		Obsolete
21	C2	dell cpu	1006223213		1		Obsolete
22	C2	dell cpu	1006221533		1		Obsolete
23	C2	dell cpu	1511172039		1		Obsolete
24	C2	dell cpu	1302123840		1		Obsolete
25	C2	dell cpu	1302123429		1		Obsolete
26	C2	dell cpu	1302123036		1		Obsolete
27	C2	dell cpu	1302123221		1		Obsolete
28	C2	dell cpu	1105043404		1		Obsolete
29	C2	dell cpu	1304040406		1		Obsolete
30	C2	dell cpu	1302122647		1		Obsolete

Date: 5/28/21

Authorized Campus Signature

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial			Qty		Comments/Reasons
1	C2	Printer	1405092525			1		Obsolete
2	C2	Printer	908252234			1		Obsolete
3	C2	Printer	3600000496			1		Obsolete
4	C2	Printer	908251540			1		Obsolete
5	C2	Printer Tray	908261826			1		Obsolete
6	C2	Printer Tray	908261258			1		Obsolete
7	C2	Printer Tray	908261037			1		Obsolete
8	C2	Printer Tray	908261131			1		Obsolete
9	C2	Printer Tray	908261258			1		Obsolete
10	C2	Printer Tray	908264022			1		Obsolete
11	C2	Printer Tray	908261333			1		Obsolete
12	C2							
13	C2							
14	C2							
15	C2							
16	C2							
17	C2							
18	C2							
19	C2							
20	C2							
21	C2							
22	C2							
23	C2							
24	C2							
25	C2							
26	C2							
27	C2							
28	C2							
29	C2							
30	C2							

Date: 5/28/21

Authorized Campus Signature _____

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

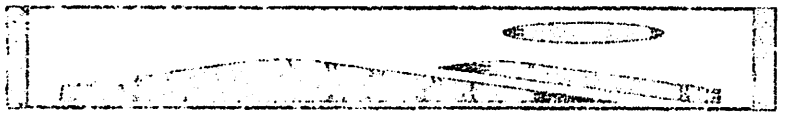
Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial		Qty		Comments/Reasons
1	C2	Monitor	1105045436		1		Obsolete
2	C2	Monitor	1302132724		1		Obsolete
3	C2	Monitor	1302134445		1		Obsolete
5	C2	Monitor	1302132238		1		Obsolete
6	C2	Monitor	1105044323		1		Obsolete
7	C2	Monitor	1006222557		1		Obsolete
8	C2	Monitor	610270438		1		Obsolete
9	C2	Monitor	1302132046		1		Obsolete
10	C2	Monitor	1105044016		1		Obsolete
11	C2						
12	C2						
13	C2						
14	C2						
15	C2						
16	C2						
17	C2						
18	C2						
19	C2						
20	C2						
21	C2						
22	C2						
23	C2						
24	C2						
25	C2						
26	C2						
27	C2						
28	C2						
29	C2						
30	C2						

Date: 5/28/21

Authorized Campus Signature _____



Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

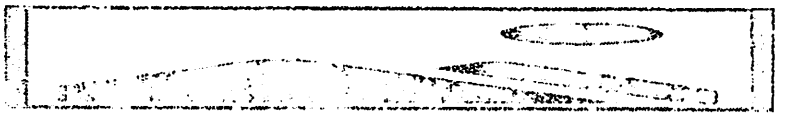
☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial		Qty		Comments/Reasons
1	C2	Dell Laptop	1412023237		1		Obsolete
2	C2	Dell Laptop	1401135340		1		Obsolete
3	C2	Dell Laptop	1404221948		1		Obsolete
5	C2	Dell Laptop	1401135140		1		Obsolete
6	C2	Dell Laptop	3600000235		1		Obsolete
7	C2	Dell Laptop	1401130327		1		Obsolete
8	C2	Dell Laptop	1412023152		1		Obsolete
9	C2	Dell Laptop	1412023351		1		Obsolete
10	C2	Dell Laptop	1507103149		1		Obsolete
11	C2	Dell Laptop	1412023319		1		Obsolete
12	C2	Dell Laptop	1507102350		1		Obsolete
13	C2	Dell Laptop	1507102452		1		Obsolete
14	C2	Dell Laptop	1604210003		1		Obsolete
15	C2	Dell Laptop	1301182839		1		Obsolete
16	C2	Dell Laptop	1401130155		1		Obsolete
17	C2	Dell Laptop	910140317		1		Obsolete
18	C2	Dell Laptop	1401135638		1		Obsolete
19	C2	Dell Laptop	1401135841		1		Obsolete
20	C2	Dell Laptop	1401135217		1		Obsolete
21	C2	Dell Laptop	1401134937		1		Obsolete
22	C2	Dell Laptop	1004212506		1		Obsolete
23	C2	Dell Laptop	1004212324		1		Obsolete
24	C2	Dell Laptop	1401135507		1		Obsolete
25	C2	Dell Laptop	1401130555		1		Obsolete
26	C2	Dell Laptop	1401135800		1		Obsolete
27	C2	Dell Laptop	1412022919		1		Obsolete
28	C2	Dell Laptop	1410165354		1		Obsolete
29	C2	Dell Laptop	1412023351		1		Obsolete

Date: 4/27/21

Authorized Campus Signature _____

Page 1 of 4



Fixed Asset Discard List

☐ Other ____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

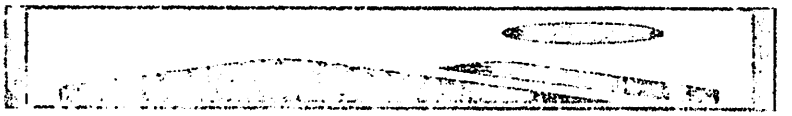
☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty		Comments/Reasons
1	C2	Monitor	1302133446	1		Obsolete
2	C2	Monitor	1504272817	1		Obsolete
3	C2	Monitor	1105043746	1		Obsolete
4	C2	Monitor	1105044738	1		Obsolete
5	C2	Monitor	1006222448	1		Obsolete
6	C2	Monitor	1105040427	1		Obsolete
7	C2	Monitor	1105045402	1		Obsolete
8	C2	Monitor	1006223931	1		Obsolete
9	C2	Monitor	1105044856	1		Obsolete
10	C2	Monitor	1105040150	1		Obsolete
12	C2	Monitor	1006223811	1		Obsolete
13	C2	Monitor	1004063324	1		Obsolete
14	C2	Monitor	1006223626	1		Obsolete
15	C2	Monitor	1105040306	1		Obsolete
16	C2	Monitor	1105045724	1		Obsolete
17	C2	Monitor	1302132337	1		Obsolete
18	C2	Monitor	1211300004	1		Obsolete
19	C2	Monitor	1211301419	1		Obsolete
20	C2	Monitor	1105043945	1		Obsolete
21	C2	Monitor	1302131850	1		Obsolete
22	C2	Monitor	1105044058	1		Obsolete
23	C2	Monitor	1105045011	1		Obsolete
24	C2	Monitor	1006223856	1		Obsolete
25	C2	Monitor	1604290017	1		Obsolete
26	C2	Monitor	1412024847	1		Obsolete
27	C2	Monitor	1412024048	1		Obsolete
28	C2	Monitor	1105044819	1		Obsolete
29	C2	Monitor	1105045512	1		Obsolete
30	C2	Monitor	1302132941	1		Obsolete

Date: 4/27/21

Authorized Campus Signature

Page 2 of 6



Fixed Asset Discard List

☐ Other

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

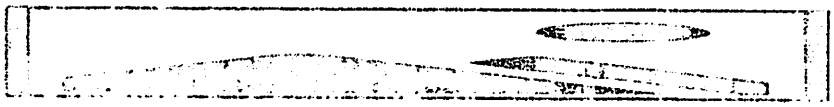
☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty		Comments/Reasons
1	C2	Monitor	1006223734	1		Obsolete
2	C2	Monitor	1004062857	1		Obsolete
3	C2	Monitor	1105045048	1		Obsolete
4	C2	Monitor	1412025548	1		Obsolete
5	C2	Monitor	1006222521	1		Obsolete
6	C2	Monitor	1006221744	1		Obsolete
7	C2	Monitor	1302133554	1		Obsolete
8	C2	Monitor	1105044701	1		Obsolete
9	C2	Monitor	1105045557	1		Obsolete
10	C2	Monitor	1302131948	1		Obsolete
11	C2	Monitor	1302131748	1		Obsolete
12	C2	Monitor	1302134324	1		Obsolete
13	C2	Monitor	1105044528	1		Obsolete
14	C2	Monitor	1302134237	1		Obsolete
15	C2	Monitor	1105045634	1		Obsolete
16	C2	Monitor	1302134541	1		Obsolete
18	C2	Monitor	1302134641	1		Obsolete
19	C2	Monitor	1302133155	1		Obsolete
20	C2	Monitor	1302133819	1		Obsolete
21	C2	Monitor	1105044250	1		Obsolete
22	C2	Monitor	1302134140	1		Obsolete
23	C2	Monitor	1302131339	1		Obsolete
24	C2	Monitor	1302132604	1		Obsolete
25	C2	Monitor	1006224053	1		Obsolete
26						
27						
28						
29						
30						

Date: 4/27/21

Authorized Campus Signature

Page 3 of 6



Fixed Asset Discard List (Furniture)

☐ Other

☐ Excell ☒ Loya

Campus (Please Check Apropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial			Qty		Comments/Reasons
1	C2	Elmo	907283722			1		Obsolete
2	C2	ActivSlate	1106212113			1		Obsolete
3	C2	ActivSlate	1106212227			1		Obsolete
4	C2	ActivSlate	1106212730			1		Obsolete
5	C2	ActivSlate	1106212653			1		Obsolete
6	C2	ActivSlate	1111023208			1		Obsolete
7	C2	ActivSlate	1111023450			1		Obsolete
8	C2	ActivSlate	1111022413			1		Obsolete
9	C2	ActivSlate	1111023319			1		Obsolete
10	C2	ActivSlate	1111023241			1		Obsolete
11	C2	ActivSlate	1106212427			1		Obsolete
12	C2	ActivSlate	1106212621			1		Obsolete
13	C2	ActivSlate	1106211746			1		Obsolete
14	C2	ActivSlate	1106212843			1		Obsolete
15	C2	ActivSlate	1106212545			1		Obsolete
16	C2	ActivSlate	1111023527			1		Obsolete
17	C2	ActivSlate	1106212806			1		Obsolete
18	C2	ActivSlate	1106212303			1		Obsolete
19	C2	ActivSlate	1106212150			1		Obsolete
20	C2	ActivSlate	1111022936			1		Obsolete
21	C2	ActivSlate	1111022121			1		Obsolete
22	C2	ActivSlate	1111023556			1		Obsolete
23	C2	ActivSlate	1106212352			1		Obsolete
24	C2	ActivSlate	908275555			1		Obsolete
25	C2	scanrer	501121422			1		Obsolete
26								
27								
28								
29								
30								

Date: 4/22/21

Authorized Campus Signature

Fixed Asset Discard List (Furniture)

☐ Other

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial			Qty		Comments/Reasons
1	C2	Printer	1405092525			1		Obsolete
2	C2	Printer	908252234			1		Obsolete
4	C2	Printer	908252118			1		Obsolete
5	C2	Printer	212032917			1		Obsolete
7	C2	Printer	908251256			1		Obsolete
8	C2	Printer	3600000175			1		Obsolete
10	C2	Printer	908252348			1		Obsolete
11	C2	Printer	908252306			1		Obsolete
12	C2	Printer	908251540			1		Obsolete
13	C2	Printer	1112204330			1		Obsolete
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								

Date: 4/27/21

Authorized Campus Signature

Fixed Asset Discard List (Furniture)

☐ Other_____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GEMS ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial			Qty		Comments/Reasons
1	C2	Kodax Camera	803203925			1		Obsolete
2	C2	DVD Player	503171632			1		Obsolete
3	C2	DVD Player	503171546			1		Obsolete
4	C2	DVD/VCR	404060957			1		Obsolete
5	C2	Promethean Projector	1105045557			1		Obsolete
6	C2	Epson	605025144			1		Obsolete
7	C2	Epson	1104204139			1		Obsolete
9	C2	TV VIZIO	1604290019			1		Obsolete
10	C2	TV VIZIO	1604290014			1		Obsolete
11	C2	ViewSonic	808214024			1		Obsolete
12	C2							
13	C2							
14	C2							
15	C2							
16	C2							
17	C2							
18	C2							
19	C2							
20	C2							
21	C2							
22	C2							
23	C2							
24	C2							
25	C2							
26	C2							
27	C2							
28	C2							
29	C2							
30	C2							

Date: 4/27/21

Authorized Campus Signature_____

Page 6 of 6

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		Computer Dell Desktop	1412024354		
2			1412020138		
3			1412023952		
4			1412025126		
5			1412025819		
6			1412025337		
7			1412024223		
8			1412025222		
9			1412024304		
10			1414204639		
11			1412025641		
12			1412023538		
13			1412020436		
14			1412024448		
15			1412023919		
16			1412020708		
17			1403273818		
18			1412020328		
19			1412024138		
20			1412020615		
21			1412020524		
22					
23			JAD3R22		Service Tag
24			J9C1R22		Service Tag
25		Dell Desktop	3600001057		
26			3600002011		
27			3600002003		
28			3600002002		
29			3600001506		
30			3600002001		

Date: 12/12/2022

Authorized Campus Signature _____ 12/14/22

NEW DISCARD LIST

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		Desktop	3600004549		
2			2600000498		
3			1603080002		
4		Dell Desktop	1105044628		
5		Dell Desktop	1105045801		
6		HEAR IT	1502181919		
7		HEAR IT	1303130920		
8		DESKTOP AIO	1303194148		
9		CPU	1004064231		
10					
11		Monitor	1403270042		
12					
13		Listening Station	1410154544		
14		Listening Station	1410154704		
15					
16		Old Apple Desktop	411304525		
17					
18		Active Slate	1111022521		
19		Active Slate	1106212427		
20					
21		VHS rewinder (3)	NO BARCODES		
22					
23		Camera PC	*0000800100		
24					
25		Laminator 27 EZLoAD	NO BARCODE		
26		Laminator Ultima 65	1604120 (130) ?		
27		Laminator	2600001531		
28		Desktop Dell	1302132144		
29		Desktop Dell	1302133249		
30		Desktop Dell	NO BARCODE		

Date: 12/12/2022

Authorized Campus Signature _____ 12/14/22

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		Epson Projector	*0605024923		
2		Promethean Projector	2 small/1 large NO LABELS		
3		Promethean Board	NO BARCODE		
4					
5		ELMO	1010275048		
6		ELMO	*0910234152		
7		ELMO	*0910234827		
8		ELMO	1403184937		
9					
10		Printer	*0711013650		
11			*0310274159		
12			*0811115714		
13			1405203940		
14			*0908270816		
15			*0908252428		
16					
17		Stereos (7)	*0504011353		
18			*0101010516		
19			*0704120538		
20			1001220625		
21			1010104837		
22			*0504922259		
23			NO BARCODE		
24					
25		Promethean Board	1006045916		* 1 Promethean Board has
26			1007062900		no barcode
27			0908174740		
28			1106303831		
29					
30					

Date: 12/12/2022

Authorized Campus Signature _____ 12/14/22

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		PADS	3600002211		
2			3600002341		
3			3600002287		
4			3600001256		
5			3600002332		
6			3600002330		
7			3600002214		
8			3600002262		
9			3600002343		
10			3600001275		
11			3600000105		
12			3600000185		
13			3600002326		
14			3600001257		
15			3600002212		
16			3600002331		
17			3600002191		
18			3600000189		
19			3600002175		
20			3600000310		
21			3600002209		
22			3600000191		
23			3600002344		
24			3600000313		
25			3600000180		
26			3600002368		
27			3600002365		
28			3600002362		
29			3600000312		
30			3600002361		

Date: [illegible]2022

Authorized Campus Signature 12/14/22

Fixed Asset Discard List

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

☐ Excell ☒ Loya

☐ Other: _____

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		IPADS	3600002363		
2			3600002260		
3			3600002348		
4			3600002367		
5			3600000515		
6			3600001263		
7			3600001258		
8			3600001274		
9			3600002221		
10			3600001260		
11			3600001256		
12			3600000197		
13			3600000188		
14			3600002207		
15			3600002177		
16			3600002323		
17			3600000199		
18			3600002337		
19			3600001251		
20			3600002275		
21			3600000108		
22			3600000512		
23			3600002333		
24			3600000215		
25			3600000212		
26			3600000179		
27			3600002274		
28			3600000182		
29			3600002206		
30			3600001267		

Date: 12/12/2022

Authorized Campus Signature _____ 12/14/22

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		IPADS	3600001273		
2			3600002346		
3			3600002178		
4			3600000183		
5			3600000205		
6			3600002185		
7			3600000102		
8			3600001255		
9			3600002205		
10			3600000214		
11			3600000308		
12			3600001253		
13			2600003009		
14			2600000858		
15			2600000855		
16			2600000566		
17			2600000568		
18			2600000849		
19			2600000851		
20			2600000576		
21			2600002219		
22			2600000850		
23			2600000865		
24			2600000853		
25			2600002211		
26			2600001840		
27			2600000848		
28			2600000858		
29			2600000846		
30			2600001826		

Date: 12/12/2022

Authorized Campus Signature 12/14/22

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		IPADS	2600002215		
2			1511131249		
3			1501212930		
4			1510234141		
5			1510233601		
6			1501215406		
7			1510234308		
8			1510233206		
9			1505191216		
10			1510254228		
11			1604270002		
12			1204043537		
13			Title 1 PO #18778		
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					

Date: 12/12/2022

Authorized Campus Signature _____ 12/14/22

Fixed Asset Discard List

☐ Other: _____

☐ Excell ☒ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		CD Player Lakeshore	1305151226		
2			1006164422		
3			1305151057		
4			1305151538		
5			1305151336		
6			1305151558		
7			1303261420		
8			1303261124		
9		Boxlight	1506202413		
10		Epson	1104202049		
11		Monitor	1302134445		
12			1302132238		
13			1105044016		
14		Prometnean Board	1106301816		
15			908174740		
16			1106303831		
17		IPAD	1505191448		
18			1511131422		
19			1505191034		
20			2600000861		
21			1501212844		
22			1510234141		
23			1411171422		
24			1411174208		
25			1411171245		
26			3600002321		
27			2600000863		
28		TV VIZIO	160429001?		
29		View Sonic	808261242		
30		Internat TV	405171046		

Date: 12/15/2021

Items ACCOUNTED for from 05/28/2021

Authorized Campus Signature _____

481 Page 1 of 2

Fixed Asset Discard List

☐ Other: _____

Campus (Please Check Appropriate Campus)

☐ Excell ☒ Loya

☐ SE High School ☐ Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1		RCA TV Combo	405171306		
2		Shredder Fellows	1502033330		
3		Scan Snap	1010084251		
4		Label Writer	2600001004		
5		Active Votes Prom	908174924		
6		Black and Decker	260000032		
7		Fellows	1502033230		
8		Casio Camera	803314144		
9		Laminating Machine	2600001531		
10		Herit	1506033619		
11			1502181825		
12		Elki Cassette	703265550		
13			405100857		
14			405101136		
15			703265748		
16			7300		
17		Listening Center	101011029		
18			101011030		
19		Dell CPU	1211301048		
20			1301284010		
21			1105043133		
22			1105044509		
23			1105043711		
24			1105043012		
25			1105043212		
26			1105044110		
27			1006223213		
28		Printer Tray	908261826		
29			908261037		
30			908261258		

Date: 12/15/2022

Authorized Campus

Signature _____

Borrego Elementary

SAN ELIZARIO
INDEPENDENT SCHOOL DISTRICT

XX Other Technology

Fixed Asset Discard List

[ ] Excell [ ] Loya

Campus (Please Check Appropriate Campus)

[ ] SE High School [ ] GEMS [ ] Alarcon [XX] Borrego [ ] Sambrano

	Room#	Description	Tag Number/Serial	Qty	Comments/Reasons
1	Electrical Room	Lenovo Chromebook	3600002601	1	OBSOLETE
2	Electrical Room	Dell Laptop	2600000840	1	OBSOLETE
3	Electrical Room	Lenovo Chromebook	3600002515	1	OBSOLETE
4	Electrical Room	Dell Laptop	3600001753	1	OBSOLETE
5	Electrical Room	Roater Cisco	1004204737	1	OBSOLETE
6	Electrical Room	Lenovo Chromebook	3600003992	1	OBSOLETE
7	Electrical Room	Dell Laptop	3600004124	1	OBSOLETE
8	Electrical Room	Chromebook Cart	1510282821	1	OBSOLETE
9	Electrical Room	TV SAM SUNG	1602020214	1	OBSOLETE
10	Electrical Room	DELL COMPUTER	1403274625	1	OBSOLETE
11	Electrical Room	LENOVO CHROMEBOOK	2600002590	1	OBSOLETE
12	Electrical Room	Lenovo Chromebook	3600002562	1	OBSOLETE
13	Electrical Room	Lenovo Chromebook	2600002600	1	OBSOLETE
14	Electrical Room	Lenovo Chromebook	3600001379	1	OBSOLETE
15	Electrical Room	Lenovo Chromebook	3600004424	1	OBSOLETE
16	Electrical Room	AVER VISUAL PRESENTER	1212171743	1	OBSOLETE
17	Electrical Room	AVER VISUAL PRESENTER	1212171713	1	OBSOLETE
18	Electrical Room	AVER VISUAL PRESENTER	3600002435	1	OBSOLETE
19	Electrical Room	Dell Laptop	2600002043	1	OBSOLETE
20	Electrical Room	LASER PRINTER	1109223011	1	OBSOLETE
21	Electrical Room	Lenovo Chromebook	3600001510	1	OBSOLETE
22	Electrical Room	Lenovo Chromebook	3600002513	1	OBSOLETE
23	Electrical Room	Lenovo Chromebook	2600002566	1	OBSOLETE
24	Electrical Room	RADIO ICOM	1302180035	1	OBSOLETE
25	Electrical Room	RADIO ICOM	711131312	1	OBSOLETE
26	Electrical Room	RADIO ICOM	1302180000	1	OBSOLETE
27	Electrical Room	RADIO ICOM	2600000223	1	OBSOLETE
28	Electrical Room	RADIO ICOM	1302180118	1	OBSOLETE
29	Electrical Room	RADIO ICOM	1505071729	1	OBSOLETE
30	Electrical Room	Lenovo Chromebook	2600005094	1	OBSOLETE
31	Electrical Room	Lenovo Chromebook	2600005082	1	OBSOLETE
32	Electrical Room	KENWOOD RADIO	106133712	1	OBSOLETE
33	Electrical Room	Lenovo Chromebook	3600004414	1	OBSOLETE
34	Electrical Room	Lenovo Chromebook	3600002606	1	OBSOLETE
35	Electrical Room	Lenovo Chromebook	2600005049	1	OBSOLETE
36	Electrical Room	Lenovo Chromebook	3600002532	1	OBSOLETE
37	Electrical Room	HAMILTON RDIO/CASETTE CD	3600001061	1	OBSOLETE
38	Electrical Room	Lenovo Chromebook	2600002617	1	OBSOLETE
39	Electrical Room	Dell Laptop	2600003760	1	OBSOLETE
40	Electrical Room	Dell Laptop	2600001449	1	OBSOLETE
41	Electrical Room	Dell Laptop	2600002088	1	OBSOLETE
42	Electrical Room	Lenovo Chromebook	3600001499	1	OBSOLETE
43	Electrical Room	DELL COMPUTER	1604290001	1	OBSOLETE

Date: 11/7/2022

Authorized Campus

Signature

Page__1_ of_1_

Technology Department

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

Soaring to Excellence

1/4/2023 13:59

☐ Other (Technology, Mainenance, etc.)

Fixed Asset Discard List

☑ Excell ☐ Loya

Campus (Please Check Appropriate Campus)

☐ SE High School ☐ GE Middle School ☐ Alarcon ☐ Borrego ☐ Sambrano

#	Room #	Description	Tag #	Qty.	Comments / Reason
1	100	HP PageWide Pro MFP 577 dw printer	D3Q21-80041	1	
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
32					
33					
34					
35					
36					
37					
38					
39					
40					

Date: 1/4/2023 13:59 **Authorized Dept.:**

Signature_____

TECHNOLOGY DEPARTMENT

13680 Socorro Road San Elizario, TX 79849-0920 P: (915) 872-3935 F: (915) 872-3936 www.seisd.net

Texas Association of School Boards
P.O. Box 400 • Austin, Texas 78767-0400 • 512.467.0222
12007 Research Blvd. • Austin, Texas 78759-2439 • tasb.org

Serving Texas Schools Since 1949

December 2022

Dear Superintendent Secretary,

As your school board members prepare for the upcoming legislative session, TASB has several resources to help them advocate for your district and all Texas public schools.

First, enclosed is the 2022-24 TASB Advocacy Agenda, as approved by members during the 2022 Delegate Assembly. This is the message TASB will carry to elected officials at the state and federal levels. **Please include these brochures in the packets for your next board meeting.**

The TASB Advocacy Agenda is the culmination of the hard work of school board members across the state through the Grassroots Meetings, Legislative Advisory Council meetings, the resolutions process, and, ultimately, the Delegate Assembly. More than 1,000 school board members from across the state played a role in the agenda's development. Learn more about the Advocacy Agenda at **bit.ly/tasbadvocacy**.

Second, TASB is hosting two important events in 2023 to help school leaders boost their advocacy work.

- The **first-ever Texas Federal Advocacy Conference** will be held Feb. 6-7 in Washington, D.C. The conference will feature influential speakers, highlights of current legislation, and discussions about the latest developments in federal education policy. School leaders also will visit with legislators at the U.S. Capitol. Trustees will earn up to seven hours of continuing education credit (CEC), and registration includes a special Texas Delegation Dinner.

  Registration is $325 until Dec. 31 and $375 after Dec. 31. We have secured discounted room rates of $295 per night at the historic Willard InterContinental Hotel. You must first register for the conference to receive the hotel reservation link.

- The **TASA/TASB Legislative Conference** is scheduled for Feb. 21 in Austin. This conference follows much of the same format as the federal one, but at the state level. Lunch and up to four hours of CEC will be provided for attendees. **This event is free; however, your trustees and superintendent must register to attend.**

For more information and to register for these conferences, visit bit.ly/advocacyevents23.

Please let me know if you need more brochures or if you have any questions about the advocacy conferences. Thank you for your help in sharing this information with your trustees.

Sincerely,

Dax González
TASB Governmental Relations
dax.gonzalez@tasb.org
800.580.4885

SEAL

Date Change
Far West Texas School Boards Association/TASB Spring Workshop
NEW DATE: Thursday May 25, 2023
5:00 p.m.-9:00 p.m.
ESC19 Starlight Center - Sunset Room
Dinner will be provided

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: Progress Monitoring—GPM 2.2—3rd Grade Reading Progress
Date: January 18, 2023

HISTORY:

The Board of Trustees has been progress monitoring Grade 3 reading performance for the last several years. One of the Goal Progress Measures (GPM's) that provides part of the necessary data comes from GPM 2.2, which measures the following:

Goal Progress Measure (GPM) 2.2:
Student Reading performance on the IStation Overall Reading Ability Index in 3rd Grade will increase annually from 2021-2022 (baseline) through 2023-2024 at the Approaches, Meets, and Masters levels as indicated in the table below.

GPM 2.2: IStation Reading Overall Ability Index—3rd Grade	Baseline 2021-2022	Goals 2022-2023	Goals 2023-2024
Approaches (IStation Level 3)	13%	17% Actual: 11%	20%
Meets (IStation Level 4)	27%	30% Actual: 9%	32%
Masters (IStation Level 5)	13%	14% Actual: 5%	15%

RATIONALE:

There were 177 total students in grade 3 assessed via IStation reading for the month of December 2022. Of these students, the results show that our students are holding steady with their performance, as each individual student achieves personal growth. Our goal is for our 3rd graders to improve individually in their reading abilities as the year progresses. Although the targets for 3rd grade were not yet achieved, many students at Level 2 (below approaches) showed growth in their reading. This indicates that they are on the road to meeting targets as they continue to learn and grow this year.

The graph on the following page indicates the performance of our 3rd grade students in reading relative to the current targets.

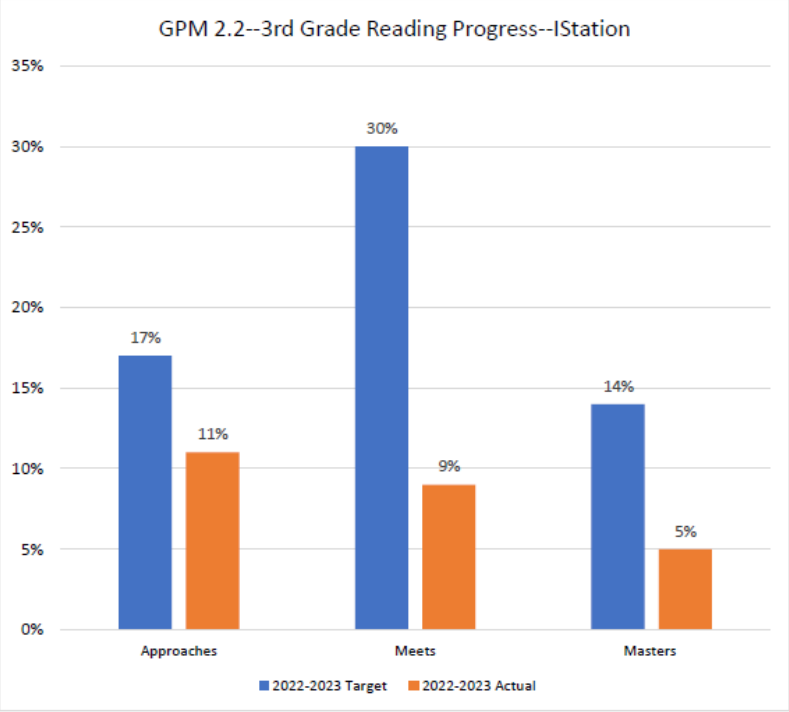
San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

Board Progress Monitoring Report

Student Outcome Goal 2	Overall Goal Evaluation
Student Reading performance on the STAAR/EOC in grades 3-12 will increase annually from 2021-2022 through 2023-2024 at the Approaches, Meets, and Master's Levels.	**Progress Needed**

GPM 2.2:
Student Reading performance on the IStation Overall Reading Ability Index in 3rd Grade will increase annually from 2021-2022 (baseline) through 2023-2024 at the Approaches, Meets, and Masters levels.

There were 177 total students in grade 3 assessed via IStation reading for the month of December 2022. Of these students, the results show that our students are holding steady with their performance, as each individual student achieves personal growth. Our goal is for our 3rd graders to improve individually in their reading abilities as the year progresses. Although the targets for 3rd grade were not yet achieved, many students at Level 2 (below approaches) showed growth in their reading. This indicates that they are on the road to meeting targets as they continue to learn and grow this year.



Superintendent's Evaluation on Next Steps: Refer to Board of Trustees Memo submitted with this report.

BUDGET:
There is no identified budgetary impact for GPM 2.2.

ADMINISTRATIVE RECOMMENDATION:

It is recommended that the Board review the progress of GPM 2.2 as presented.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☐ Attachment Included

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: Progress Monitoring—GPM 2.3—8th Grade Reading Progress
Date: January 18, 2023

HISTORY:

The Board of Trustees has been progress monitoring Grade 8 reading performance for the last several years. One of the Goal Progress Measures (GPM's) that provides part of the necessary data comes from GPM 2.3, which measures the following:

Goal Progress Measure (GPM) 2.3:
Student Reading performance on the TRS Unit Assessments in 8th Grade English will increase annually from 2021-2022 (baseline) through 2023-2024 at the Approaches, Meets, and Masters levels.

GPM 2.3: TRS Unit Assessments—8th Grade	Baseline 2021-2022	Goals 2022-2023	Goals 2023-2024
Approaches	59%	62% Actual—43%	65%
Meets	26%	28% Actual—25%	30%
Masters	15%	16% Actual—18%	17%

RATIONALE:

There were 281 students in grade 8 assessed with 5 English (RLA) Unit Assessments from August-December 2022. The results highlighted in yellow above correspond to the average of these 5 Unit Assessments at each of the 3 performance levels. At the Approaches level, our students are closing their learning gaps and will soon reach the goal of 62%. At the Meets level, we are within 3 percentage points of the target. At the Masters level, our 8th graders have exceeded the target by 2 points.

The graph on the following page indicates the performance of our 8th grade students in reading relative to the current targets.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

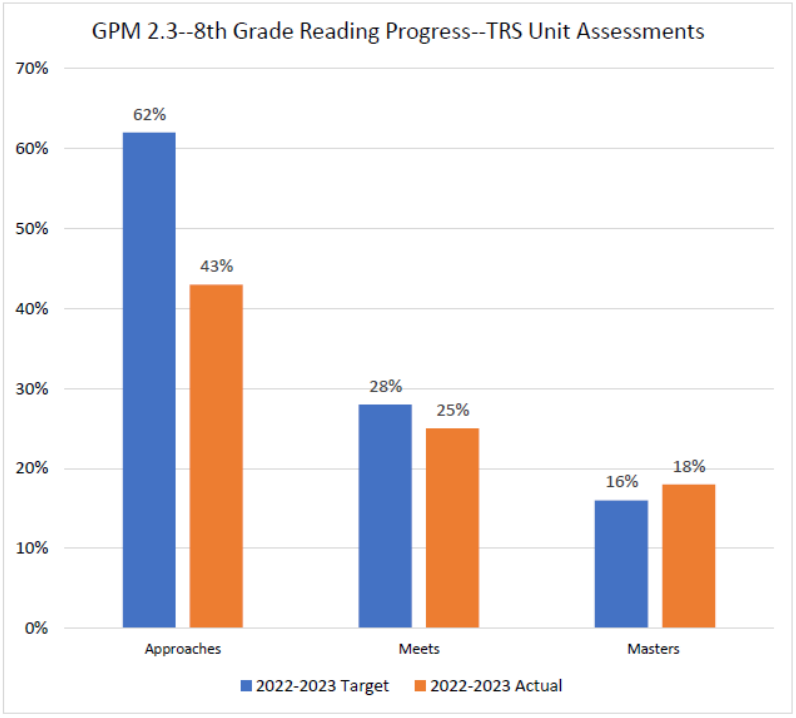
Board Progress Monitoring Report

Student Outcome Goal 2	Overall Goal Evaluation
Student Reading performance on the STAAR/EOC in grades 3-12 will increase annually from 2021-2022 through 2023-2024 at the Approaches, Meets, and Master's Levels.	**Progress Needed**

GPM 2.3:

Student Reading performance on the TRS Unit Assessments in 8th Grade English will increase annually from 2021-2022 (baseline) through 2023-2024 at the Approaches, Meets, and Masters levels.

There were 281 students in grade 8 assessed with 5 RLA Unit Assessments from August-December 2022. The results in the adjacent graph correspond to the average of these 5 Unit Assessments at each of the 3 performance levels. At the Approaches level, our students are closing their learning gaps and will soon reach the goal of 62%. At the Meets level, we are within 3 percentage points of the target. At the Masters level, our 8th graders have exceeded the target by 2 points.



Superintendent's Evaluation on Next Steps: Refer to Board of Trustees Memo submitted with this report.

BUDGET:
There is no identified budgetary impact for GPM 2.3.

ADMINISTRATIVE RECOMMENDATION:

It is recommended that the Board review the progress of GPM 2.3 as presented.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☐ Attachment Included

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Lisa D. Renegar; Planning & Instruction
Subject: Progress Monitoring—GPM 2.4—High School Reading (English I and II)
Date: January 18, 2023

HISTORY:

The Board of Trustees has been progress monitoring high school reading performance for the last several years. One of the Goal Progress Measures (GPM's) that provides part of the necessary data comes from GPM 2.4, which measures the following:

Goal Progress Measure (GPM) 2.4:
Student Reading performance on the TRS Unit Assessments in high school English I and II will increase annually from 2021-2022 (baseline) through 2023-2024 at the Approaches, Meets, and Masters levels.

GPM 2.4: TRS Unit Assessments—High School English I and II	Baseline 2021-2022	Goals 2022-2023	Goals 2023-2024
Approaches	53%	56% Actual—59%	60%
Meets	36%	38% Actual—43%	40%
Masters	5%	6% Actual—7%	7%

RATIONALE:

There were 292 students in high school assessed with 9 English (RLA) Unit Assessments from August-December 2022 in English I and II. The results highlighted in yellow above correspond to the average of these 9 Unit Assessments at each of the 3 performance levels. At the Approaches level, our students have exceeded the target by 3%. At the Meets level, we have exceeded the target by 5%. We have also exceeded the target at the Masters level by 1%.

The graph on the following page indicates the performance of our high school English I/II students in reading relative to the current targets.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

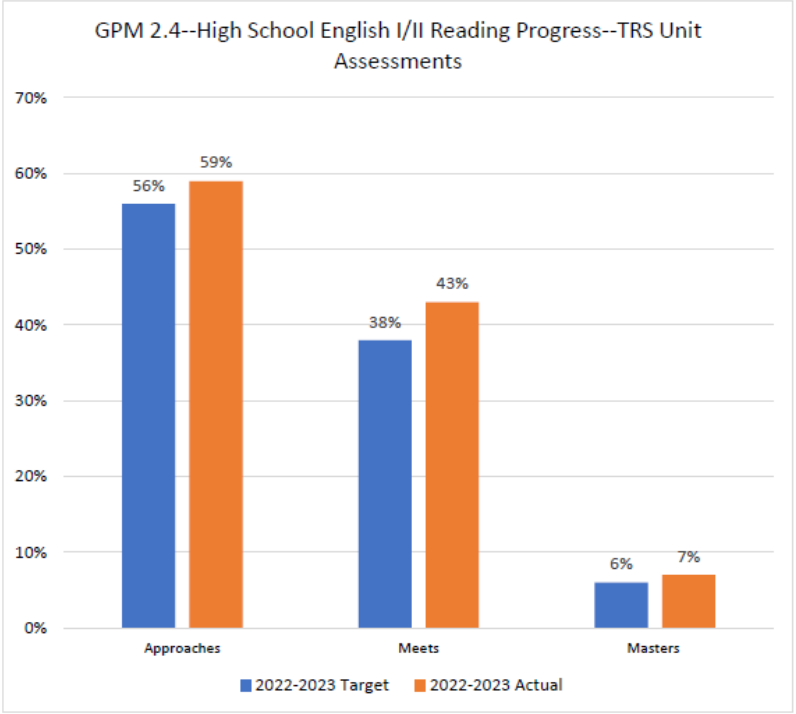
Board Progress Monitoring Report

Student Outcome Goal 2	Overall Goal Evaluation
Student Reading performance on the STAAR/EOC in grades 3-12 will increase annually from 2021-2022 through 2023-2024 at the Approaches, Meets, and Master's Levels.	**Exceeded Expectations**

GPM 2.4:

Student Reading performance on the TRS Unit Assessments in high school English I and II will increase annually from 2021-2022 (baseline) through 2023-2024 at the Approaches, Meets, and Masters levels.

There were 292 students in high school assessed with 9 English (RLA) Unit Assessments from August-December 2022 in English I and II. The results in the adjacent graph correspond to the average of these 9 Unit Assessments at each of the 3 performance levels. At the Approaches level, our students have exceeded the target by 3%. At the Meets level, we have exceeded the target by 5%. We have also exceeded the target at the Masters level by 1%.



Superintendent's Evaluation on Next Steps: Refer to Board of Trustees Memo submitted with this report.

BUDGET:
There is no identified budgetary impact for GPM 2.4.

ADMINISTRATIVE RECOMMENDATION:

It is recommended that the Board review the progress of GPM 2.4 as presented.

Please check one: ☐ For approval ☒ Report / Information only ☐ Recognition only
☐ Attachment Included

San Elizario ISD's mission is to graduate students with skills to meet the demands of a changing world by promoting student success as non-negotiable, channeling resources to match learning needs of students, employ and retain a quality staff so that San Elizario is a proud, innovative and academically superior district

MEMORANDUM

To: Dr. Meza-Chavez, Superintendent

From: Mrs. Aggie Reyes, Director of Child Nutrition Services

Subject: December 2022 – Nutrition Services Update

Date: January 18, 2023

56,888 meals were served for the month of December.
Students enjoyed traditional holiday dishes for lunch, and it was so nice to see their excitement.
Teamwork and team spirit alleviated the challenges created by staffing shortages.

One on one training with Mr. Jacques took place in the month of December.
We had the opportunity to visit all schools, meet cafeteria employees, administration, and faculty.

A catering email was developed to help streamline the district catering needs.

As always, preserving program integrity and contributing to student success remains in the forefront of all department initiatives.

I am grateful to be a part of such a thriving district.

Meza-Chavez, Jeannie

From: Michelle Garcia
Sent: Monday, January 2, 2023 11:03 AM
To: Licon, Sandra; Meza-Chavez, Jeannie; Priscilla Mata
Subject: Resignation to the Board of Trustees

Good morning hope this email finds you well. The purpose of this email is to inform President Licon of my formal Resignation to the Board of Trustees of San Elizario effective January 2023 at our next board meeting. There will be a separate letter submitted to the board at a different date. Please let me know if there is anything else you need from me, or anything I can do to make this transition easier. It has been a pleasure to serve alongside you and my colleagues, I will miss our Eagles.

Sincerely,

Secretary of The Board of Trustees for San Elizario ISD.

Michelle García
CONFIDENTIALITY NOTICE: The information or document(s) included in this e-mail may contain confidential information. All information is intended only for the use of the named e-mail recipient(s). If you are not the named e-mail recipient(s), you are not authorized to read, disclose, copy, distribute, or take any action with regard to the information. Any action other than the delivery to the named recipient(s) is strictly prohibited. As the e-mail recipient, you are not authorized to reveal any of this information to any other unauthorized person and are hereby instructed to destroy the information if no longer needed. San Elizario Independent School District does not discriminate on the basis of race, color, national origin, religion, sex, disability, or age in its programs, activities, or employment.

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Jeannie Meza-Chavez, Superintendent
Subject: Method to fill vacancy for Trustee Place No. 1 with the applicable process and timeline.
Date: January 18, 2023

HISTORY:

The Superintendent's office received the resignation of Mrs. Michelle Garcia, Board Trustee for Place #1. As a result, the San Elizario ISD Board of Trustees must now approve the timeline to fill the vacancy by appointment.

Tentative Dates for Consideration
January 23, 2023 to February 3, 2023: Applications to be accepted.
February 6, 2023: Board of Trustees to interview and select candidate (virtual or in-person).
February 8, 2023: Regular Board meeting – Newly selected trustee to be officially sworn in and introduced.

The announcement of the vacancy can be made through the West Texas Courier, social media platforms, campus marquees and on the district website.

RATIONALE:

Information to address a Board vacancy, can be found in policy BBC (LEGAL) Vacancies and Removal from Office.

BUDGET:

There is not an impact to the budget.

ADMINISTRATIVE RECOMMENDATION:

The Administration recommends the Board to approve the method to fill the Board vacancy by appointment for Trustee Place No. 1 to include the applicable process and timeline.

Please check one: ☒ For approval ☐ Report / Information only ☐ Recognition only

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

Resignation

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

Effective Date

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

Holdover Doctrine

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

Residency

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

Single-Member District

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

Filling a Vacancy

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

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

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

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

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

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

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

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

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

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

Involuntary Removal from Office

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

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

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

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

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

Civ. Prac. & Rem. Code 66.001–.003

Removal by Petition and Trial

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

Reasons for Removal

A board member may be removed from office for:

1. "Incompetency," which means:

   a. Gross ignorance of official duties;

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

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

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

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

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

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

Removal for Purchasing Violations

See CH for information regarding removal for purchasing violations.

Temporary Replacement of Board Member on Military Active Duty

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

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

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

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

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

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

ORDER OF GENERAL ELECTION FOR THE SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

An election is hereby ordered to be held on **May 6, 2023** for the purpose of:

Electing five (5) trustees for the San Elizario Independent School District Board of Trustees.

The positions for which the election will be conducted are the following and the persons currently holding those positions are as follows:

Place 1 (2-year unexpired term)	Vacant
Place 4 (4-year term)	Sandra Licon
Place 5 (4-year term)	Eduardo Chavez
Place 6 (4-year term)	Vacant
Place 7 (4-year term)	Myrna Hernandez

Applications for a place on the ballot shall be filed with the San Elizario Independent School District by: February 17, 2023.

Early voting by personal appearance will be conducted at the San Elizario Fire Rescue, located at 1415 San Antonio St., San Elizario, Texas 79849, and other voting centers at the times and dates set forth below and in the early voting summary provided by the El Paso County Elections Administrator included as Exhibit A to this Order.

Early voting shall take place beginning on April 24, 2023 and ending on May 2, 2023, based on the schedule enclosed here in as Exhibit A to this Order.

Applications for ballot by mail shall be mailed by UPS or Federal Express to:

Lisa Wise
Early Voting Clerk
Elections Department
500 E. San Antonio, Suite #314
El Paso, Texas 79901

Alternatively, you may send your application or letter for a ballot by fax or email as follows:

Fax to (915) 546-2220 (if faxed make sure your application is legible); OR

E-mail to ballotrequests@epcounty.com.

Applications for ballots by mail must be received no later than the close of business on Tuesday, April 25, 2023.

Ordered this the 18th day of January, 2023.

_____
Signature of Presiding Officer

_____	_____
Member	Member
_____	_____
Member	Member
_____	_____
Member	Member

EXHIBIT A

(See attached)

ORDEN DE ELECCION EL 6 DE MAYO DEL 2023 PARA DISTRITO ESCOLAR INDEPENDIENTE DE SAN ELIZARIO

Por la presente se ordena que se llevará a cabo una elección el 6 de mayo del 2023, con el propósito de elegir cinco Miembros del Consejo Directivo del Distrito Escolar Independiente de San Elizario para los cinco (5) puestos siguientes:

Para elegir un Miembro del Consejo Directivo para los lugares números 4, 5, 6 y 7 (cada posición es para un término completo de cuatro años); y

Para elegir un Miembro del Consejo Directivo para el lugar número 1 por un período de dos (2) años sin vencer.

Los puestos por cuales se llevará una elección el 6 de mayo del 2023 y los oficiales quienes llenan esos puestos al momento son los siguientes:

Lugar Número 1 (término de dos años sin vencer)	*Vacante*
Lugar Número 4 (término completo de cuatro años)	*Sandra Licon*
Lugar Número 5 (término completo de cuatro años)	*Eduardo Chavez*
Lugar Número 6 (término completo de cuatro años)	*Vacante*
Lugar Número 7 (término completo de cuatro años)	*Myrna Hernandez*

Solicitudes para un lugar en la boleta serán presentadas hasta la fecha limite el 17 de febrero del 2023.

La votación adelantada en persona se llevará a cabo de lunes a viernes en el cuarto de conferencias de la Estacion de Bomberos concocida como "San Elizario Fire Rescue", ubicada en el 1415 San Antonio St., San Elizario, Texas 79849, y en otros sitios designados de acuerdo a las fechas y horarios adjuntos de la forma de "Exhibición A" de esta Orden.

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

Lisa Wise
Secretaria de Votación Adelantada
Departamento de Elecciones
Condado de El Paso, Texas
500 E. San Antonio, Suite #314
El Paso, Texas 79901

En lo alternativo, envié su solicitud para boletas que se votarán en ausencia por fax o por correo electrónico en la manera siguiente:

***Mandar su solicitud por Fax** al (915) 546-2220 (asegúrese que su solicitud se presente en una manera legible); o*

Mande su solicitud por correo electrónico *a ballotrequests@epcounty.com.*

Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de las horas de negocio el 25 de abril del 2023.

Emitida este día 18 de enero del 2023.

_____	_____
Miembro	*Firma del Oficial que Preside*
_____	_____
Miembro	*Miembro*
_____	_____
Miembro	*Miembro*
_____	_____
Miembro	*Miembro*

“Exhibición A”
(adjunto)

May 2023 Uniform Election

#goVoteEP

EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

(Main Early Voting Location) **1.** Enrique Moreno County Courthouse Third Floor, Back Lobby	500 E. San Antonio Ave. 79901	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
2. Arlington Park Shelter T.B.A.	10350 Pasadena Cir. 79924	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
3. Bassett Place T.B.A.	6101 Gateway West 79925	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**10am - 7pm** **12pm - 5pm** **10am - 7pm**
4. Bowling Family YMCA T.B.A.	5509 Will Ruth Ave. 79924	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
5. Canutillo ISD Administration Facility T.B.A.	7965 Artcraft Rd. 79932	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
6. Chayo Apodaca Community Center T.B.A.	341 N. Moon Rd. 79927	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**

Note: Early Voting Locations, dates, and times are subject to change at any time. Any registered voter may vote at any Early Voting Location. Click on an address for a street view via Google Maps or click on a location name to view a picture to that specific site. For more information visit epcountyvotes.com or call (915) 546-2154.

EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

7. Clint ISD Early College Academy T.B.A.	13100 Alameda Ave. 79836	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
8. Commissioner's Corner **T.B.A.**	10700 Montana Ave. 79936	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
9. Dorris Van Doren Library T.B.A.	551 Redd Rd. 79912	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
10. Eastlake High School T.B.A.	13000 Emeral Pass Ave. 79928	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
11. El Paso County Coliseum T.B.A.	4100 E. Paisano Dr. 79905	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
12. El Paso County Eastside Annex **T.B.A.**	2350 George Dieter Dr. 79936	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 6pm** **12pm - 5pm** **8am - 6pm**
13. El Paso County Northwest Annex T.B.A.	435 Vinton Rd. 79821	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 6pm** **12pm - 5pm** **8am - 6pm**
14. El Paso County Self-Help Center T.B.A.	15371 Kentwood Ave. 79928	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**10am - 7pm** **12pm - 5pm** **10am - 7pm**

Note: Early Voting Locations, dates, and times are subject to change at any time. Any registered voter may vote at any Early Voting Location. Click on an address for a street view via Google Maps or click on a location name to view a picture to that specific site. For more information visit **epcountyvotes.com** or call (915) 546-2154.

EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

15. **EPCC Administrative Services Center** T.B.A.	9050 Viscount Blvd. 79925	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
16. **Esperanza Acosta Moreno Library** T.B.A.	12480 Pebble Hills Blvd, 79938	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**10am - 7pm** **12pm - 5pm** **10am - 7pm**
17. **Gary Del Palacio Recreation Center** T.B.A.	3001 Parkwood St. 79925	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
18. **Gonzalez Place** T.B.A.	4101 Rich Beem Blvd. 79938	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
19. **Marty Robbins Recreation Center** T.B.A.	11620 Vista Del Sol Dr. 79936	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
20. **Mountain View-Rae Gilmore Recreation Center** T.B.A.	8501 Diana Dr. 79904	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**10am - 7pm** **12pm - 5pm** **10am - 6pm**
21. **Nations Tobin Sports Center** T.B.A.	8831 Railroad Dr. 79904	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
22. **Officer David Ortiz Recreation Center** T.B.A.	563 N. Carolina Dr. 79915	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**

Note: Early Voting Locations, dates, and times are subject to change at any time. Any registered voter may vote at any Early Voting Location. Click on an address for a street view via Google Maps or click on a location name to view a picture to that specific site. For more information visit **epcountyvotes.com** or call (915) 546-2154.

EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

23. Oz Glaze Senior Center T.B.A.	13969 Veny Webb St. 79928	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**10am - 7pm** **12pm - 5pm** **10am - 7pm**
24. Pebble Hills High School T.B.A.	14400 Pebble Hills Blvd. 79938	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
25. Rogelio Sanchez Center T.B.A.	1331 N. Fabens St. 79838	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
26. San Elizario Fire Rescue T.B.A.	1415 San Antonio St. 79849	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
27. South El Paso Senior Community Center T.B.A.	600 S. Ochoa St. 79901	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
28. Sunland Park Mall T.B.A.	750 Sunland Park Dr. 79912	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
29. UTEP - Union Building East T.B.A.	351 W. University Ave. 79968	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
30. Wellington Chew Senior Center T.B.A.	4430 Maxwell Ave. 79904	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**

Note: Early Voting Locations, dates, and times are subject to change at any time. Any registered voter may vote at any Early Voting Location. Click on an address for a street view via Google Maps or click on a location name to view a picture to that specific site. For more information visit epcountyvotes.com or call (915) 546-2154.

512

EARLY VOTING PERIOD: April 24 - May 2

EARLY VOTING LOCATIONS

31. **W.E. Neill Community Center** T.B.A.	19210 Cobb Ave. 79853	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
32. **Ysleta Community Learning Center** T.B.A.	121 Padres Dr. 79907	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
33. **YWCA - West** T.B.A.	313 Bartlett Dr. 79912	Monday, Apr. 24 - Friday, Apr. 28 Saturday, Apr. 29 - Sunday, Apr.30 Monday, May 1 - Tuesday, May 2	**8am - 6pm** **12pm - 5pm** **8am - 6pm**

Note: Early Voting Locations, dates, and times are subject to change at any time. Any registered voter may vote at any Early Voting Location. Click on an address for a street view via Google Maps or click on a location name to view a picture to that specific site. For more information visit **epcountyvotes.com** or call (915) 546-2154.

Elección Uniforme de Mayo de 2023

#VotaEP

PERÍODO DE VOTACIÓN TEMPRANA: 24 de Abril - 2 de Mayo

ESTACIONES DE VOTACIÓN TEMPRANA

(Estación Principal de Votación Temprana) **1.** **Enrique Moreno County Courthouse** Tercer Piso, Área de Espera	500 E. San Antonio Ave. 79901	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
2. **Arlington Park Shelter** T.B.A.	10350 Pasadena Cir. 79924	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
3. **Bassett Place** T.B.A.	6101 Gateway West 79925	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**10am - 7pm** **12pm - 5pm** **10am - 7pm**
4. **Bowling Family YMCA** T.B.A.	5509 Will Ruth Ave. 79924	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
5. **Canutillo ISD Administration Facility** T.B.A.	7965 Artcraft Rd. 79932	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
6. **Chayo Apodaca Community Center** T.B.A.	341 N. Moon Rd. 79927	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**

Nota: Las Lugares de Votación Temprana, fechas y horarios están sujetos a cambios en cualquier momento. Cualquier votante registrado puede votar en cualquier Estación de Votación Temprana. Para ver mapa del lugar, presione en la dirección de la estación de su preferencia via Google Maps o para ver una imagen del lugar, presione en el nombre de la estación de su preferencia. Para más información visite **es.epcountyvotes.com** o llame al **(915) 546-2154**.

PERÍODO DE VOTACIÓN TEMPRANA: 24 de Abril - 2 de Mayo

ESTACIONES DE VOTACIÓN TEMPRANA

7. Clint ISD Early College Academy T.B.A.	13100 Alameda Ave. 79836	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
8. Commissioner's Corner T.B.A.	10700 Montana Ave. 79936	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
9. Dorris Van Doren Library T.B.A	551 Redd Rd. 79912	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
10. Eastlake High School T.B.A.	13000 Emeral Pass Ave. 79928	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
11. El Paso County Coliseum T.B.A.	4100 E. Paisano Dr. 79905	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
12. El Paso County Eastside Annex T.B.A.	2350 George Dieter Dr. 79936	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 6pm** **12pm - 5pm** **8am - 6pm**
13. El Paso County Northwest Annex T.B.A.	435 Vinton Rd. 79821	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 6pm** **12pm - 5pm** **8am - 6pm**
14. El Paso County Self-Help Center T.B.A.	15371 Kentwood Ave. 79928	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**10am - 7pm** **12pm - 5pm** **10am - 7pm**

Nota: Las Lugares de Votación Temprana, fechas y horarios están sujetos a cambios en cualquier momento. Cualquier votante registrado puede votar en cualquier Estación de Votación Temprana. Para ver mapa del lugar, presione en la dirección de la estación de su preferencia via Google Maps o para ver una imagen del lugar, presione en el nombre de la estación de su preferencia. Para más información visite **es.epcountyvotes.com** o llame al **(915) 546-2154**.

PERÍODO DE VOTACIÓN TEMPRANA: 24 de Abril - 2 de Mayo

ESTACIONES DE VOTACIÓN TEMPRANA

15. **EPCC Administrative Services Center** T.B.A.	9050 Viscount Blvd. 79925	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
16. **Esperanza Acosta Moreno Library** T.B.A.	12480 Pebble Hills Blvd, 79938	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**10am - 7pm** **12pm - 5pm** **10am - 7pm**
17. **Gary Del Palacio Recreation Center** T.B.A.	3001 Parkwood St. 79925	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
18. **Gonzalez Place** T.B.A.	4101 Rich Beem Blvd. 79938	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
19. **Marty Robbins Recreation Center** T.B.A.	11620 Vista Del Sol Dr. 79936	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
20. **Mountain View-Rae Gilmore Recreation Center** T.B.A.	8501 Diana Dr. 79904	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**10am - 7pm** **12pm - 5pm** **10am - 6pm**
21. **Nations Tobin Sports Center** T.B.A.	8831 Railroad Dr. 79904	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
22. **Officer David Ortiz Recreation Center** T.B.A.	563 N. Carolina Dr. 79915	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**

Nota: Las Lugares de Votación Temprana, fechas y horarios están sujetos a cambios en cualquier momento. Cualquier votante registrado puede votar en cualquier Estación de Votación Temprana. Para ver mapa del lugar, presione en la dirección de la estación de su preferencia via Google Maps o para ver una imagen del lugar, presione en el nombre de la estación de su preferencia. Para más información visite **es.epcountyvotes.com** o llame al **(915) 546-2154**.

PERÍODO DE VOTACIÓN TEMPRANA: 24 de Abril - 2 de Mayo

ESTACIONES DE VOTACIÓN TEMPRANA

23. Oz Glaze Senior Center T.B.A.	13969 Veny Webb St. 79928	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**10am - 7pm** **12pm - 5pm** **10am - 7pm**
24. Pebble Hills High School T.B.A.	14400 Pebble Hills Blvd. 79938	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
25. Rogelio Sanchez Center T.B.A.	1331 N. Fabens St. 79838	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
26. San Elizario Fire Rescue T.B.A.	1415 San Antonio St. 79849	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
27. South El Paso Senior Community Center T.B.A.	600 S. Ochoa St. 79901	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
28. Sunland Park Mall T.B.A.	750 Sunland Park Dr. 79912	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
29. UTEP - Union Building East T.B.A.	351 W. University Ave. 79968	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
30. Wellington Chew Senior Center T.B.A.	4430 Maxwell Ave. 79904	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**

Nota: Las Lugares de Votación Temprana, fechas y horarios están sujetos a cambios en cualquier momento. Cualquier votante registrado puede votar en cualquier Estación de Votación Temprana. Para ver mapa del lugar, presione en la dirección de la estación de su preferencia via Google Maps o para ver una imagen del lugar, presione en el nombre de la estación de su preferencia. Para más información visite **es.epcountyvotes.com** o llame al **(915) 546-2154**.

PERÍODO DE VOTACIÓN TEMPRANA: 24 de Abril - 2 de Mayo

ESTACIONES DE VOTACIÓN TEMPRANA

31. **W.E. Neill Community Center** T.B.A.	19210 Cobb Ave. 79853	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 5pm** **12pm - 5pm** **8am - 5pm**
32. **Ysleta Community Learning Center** T.B.A.	121 Padres Dr. 79907	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**9am - 6pm** **12pm - 5pm** **9am - 6pm**
33. **YWCA - West** T.B.A.	313 Bartlett Dr. 79912	Lunes, Abr. 24 - Viernes, Abr. 28 Sábado, Abr. 29 - Domingo, Abr. 30 Lunes, Mayo 1 - Martes, Mayo 2	**8am - 6pm** **12pm - 5pm** **8am - 6pm**

Nota: Las Lugares de Votación Temprana, fechas y horarios están sujetos a cambios en cualquier momento. Cualquier votante registrado puede votar en cualquier Estación de Votación Temprana. Para ver mapa del lugar, presione en la dirección de la estación de su preferencia via Google Maps o para ver una imagen del lugar, presione en el nombre de la estación de su preferencia. Para más información visite **es.epcountyvotes.com** o llame al **(915) 546-2154**.