Agenda of Regular Meeting

The Board of Trustees
San Elizario ISD: A Proud Community of Champions – Soaring to Excellence!

A Regular Meeting of the Board of Trustees of San Elizario ISD will be held in person on Wednesday, June 10, 2026, 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, which includes the Presiding Officer of the Board Meeting, will be physically present at this location for purposes of this meeting and in conformance with the Texas Open Meetings Act.

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.

Signs, placards, or banners shall not be allowed inside the Boardroom. Additionally, any citizen wishing to distribute printed handout materials to the Board or audience must submit the materials for review by 5:00 p.m. prior to the meeting to the Superintendent's Office. The Superintendent, or their designee, shall inform the speaker if the materials have been approved for distribution prior to the meeting. All printed handout materials shall be distributed to the Board or audience before or after public comment, but not during.

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agenda shall be acted upon by one vote without separate discussion, unless a Board member requests that an item be withdrawn for individual consideration.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**
   Mr. Eduardo Chavez, Board President
   A. Call Meeting to Order
   B. Roll Call
   C. Establish Quorum
   D. The Pledge of Allegiance 6
      San Elizario ISD Student
   E. Pledge of Allegiance to the Texas State Flag 7
      San Elizario ISD Student
   F. **San Elizario ISD Mission Statement**
      The mission of the San Elizario Independent School District is to graduate students with innovative skills for 21st-century careers by focusing on academic and social skills, fostering transformative practices, and building community support through positive relationships between home and school.
      Mr. Eduardo Chavez, Board President

2. **OPEN FORUM** (three-minute limit per speaker, unless otherwise noted)
3. **DISTRICT RECOGNITIONS**
   A. Recognition of Math Bee Winners
      Ms. Deborah Cortez, Instructional Officer
   B. Recognition STEM Tank Winners
      Ms. Deborah Cortez, Instructional Officer
   C. Recognition of Classroom Fund 2026 Recipients
      Dr. Jeannie Meza-Chavez, Superintendent
      1. Rogelio Aldavaz - San Elizario High School
      2. Sara Borja Guardian - Ann M. Garcia-Enriquez Middle School
      3. Elena Moreira-Puentes - Alfonso Borrego, Sr. Elementary School
      4. Jennifer Perez - Josefa L. Sambrano Elementary School
      5. Isabel Navarro-Rodriguez - Lorenzo G. Loya Primary School
   D. Recognition of Teacher and Employee of the Month for Alfonso Borrego, Sr. Elementary School
      Ms. Martha Santana-Garcia, Principal, Alfonso Borrego, Sr. Elementary School
      1. Teacher of the Month - Ms. Tawnya Montaño
      2. Employee of the Month - Ms. Maria Maldonado
4. **NEW BUSINESS / BOARD ACTION ITEMS**
   A. Board of Trustees Book Study — Start with Why by Simon Sinek 8
      - Chapter 13: The Origins of A Why
      - Chapter 14: The New Competition

      Board of Trustees and Dr. Jeannie Meza-Chavez, Superintendent
   B. Student Outcome Goals
      1. Alfonso Borrego, Sr. Elementary School - Monitoring Student Progress 12
         Ms. Martha Santana-Garcia, Principal, Alfonso Borrego, Sr. Elementary School
   C. Annual Review of the Board Operating Procedures 22
      Board of Trustees and Dr. Jeannie Meza-Chavez, Superintendent
   D. Budget Workshop # 2 for School Year 2026-2027 90
      Ms. Elizabeth Perez, Chief Financial Officer, and Ms. Gina Ramirez, Executive Director Human Resources
      1. Handout #1 118
      2. Handout #2 119
5. **CONSENT AGENDA** - Consider and possible Board action on
   A. Financial Reports
      Ms. Elizabeth Perez, Chief Financial Officer
      1. Tax Report 120
      2. Financial Statements 122
      3. Investment Report 126
      4. Purchases exceeding $25,000
         a. Frontline Technologies Group, LLC — not to exceed $107,111.14 137
         b. Tyler Technologies Inc. — $44,965.90 144
         c. Heist Disposal Service Inc. - $44,000.00 145
         d. Flyers Energy, LLC - $30,000.00 146
         e. Flyers Energy, LLC - $122,600.00 147
         f. Far West Services Inc. - $75,000.00 148
      5. Budget Amendment 149

B. Consider and possible Board action to authorize the District to participate in purchasing cooperatives for the 2026–2027 school year 151
Ms. Elizabeth Perez, Chief Financial Officer, and Ms. Nancy Tinoco, Purchasing Specialist

C. Consider and possible Board action to approve the Lease Financing Agreement with LEAF Capital Funding, LLC in connection with the New Lease Agreement for Copiers, Duplicators, Equipment, and Services with Complete Office Technologies, Inc. 153
Ms. Elizabeth Perez, Chief Financial Officer

D. Consider and possible Board action to approve the 2026-2027 Board Monitoring Calendar 156
Mr. Edgar Ponce, Research & Evaluation Administrator

E. Consider and possible Board action to approve the Boys and Girls Clubs of El Paso Memorandum of Agreement 159
Dr. Blanca Cruz, Associate Superintendent

F. Consider and possible Board action to approve Memorandum of Understanding with Sul Ross State University regarding Dual Credit Academic Agreement 165
Dr. Blanca Cruz, Associate Superintendent, and Ms. Sandra Sanchez, Career & Technical Education Administrator

G. Consider and possible Board action to approve Special Education Contract Positions: Occupational Therapist and License Specialist in School Psychology 174
Mr. Richard Salcido, Director Special Education

H. Consider and possible Board action to approve FFA(LOCAL) 175
Ms. Agueda Reyes, Executive Director Child Nutrition Services, and Mr. Cesar Morales, Executive Director Athletics

I. Consider and possible Board action to approve Policy Update 127 193
Board of Trustees
1. (LEGAL) Policies - Review Only
2. (LOCAL) Policies - adopt, revise, or repeal
   BJCF(LOCAL): SUPERINTENDENT - NONRENEWAL
   CAA(LOCAL): FISCAL MANAGEMENT GOALS AND OBJECTIVES - FINANCIAL ETHICS
   DC(LOCAL): EMPLOYMENT PRACTICES
   DH(LOCAL): EMPLOYEE STANDARDS OF CONDUCT
   DP(LOCAL): PERSONNEL POSITIONS
   DPA(LOCAL): PERSONNEL POSITIONS - PRINCIPALS
   DPB(LOCAL): PERSONNEL POSITIONS - OTHER PERSONNEL POSITIONS
   EHBB(LOCAL): SPECIAL PROGRAMS - GIFTED AND TALENTED STUDENTS
   FFF(LOCAL): STUDENT WELFARE - STUDENT SAFETY

J. Consider approval of minutes for the following:
Board of Trustees
1. May 13, 2026 - Regular Board Meeting 619
2. May 20, 2026 - Budget and Instructional Workshop 629

K. 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. Technology Department 633

Mr. Vicente Rodriguez, Executive Director Technology

6. **PRESENTATIONS / REPORTS / INFORMATION**
   - A. Presentations
   - B. Reports
     1. Goal Progress Monitoring
        Mr. Edgar Ponce, Research and Evaluation Administrator
        a. GPM 3.1 - Meeting CCMR Criteria 638
     2. Meal Service Update 640
        Ms. Agueda Reyes, Executive Director Child Nutrition Services
   - C. Information
     1. 2026–2027 Proposed Quarterly Meeting Dates 641
        Mr. Eduardo Chavez, Board President, and Dr. Jeannie Meza-Chavez, Superintendent
     2. 2026-2027 Regular Board Meeting Dates 642
        Dr. Jeannie Meza-Chavez, Superintendent
     3. Enrollment Update 643
        Dr. Jeannie Meza-Chavez, Superintendent
     4. Board Training
        a. 2026 MASBA Conference — September 10 to 11, 2026 | San Antonio, TX 644
        b. TASA | TASB Convention txEDCON26 - October 8 to 11, 2026 | Houston, TX 646

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 regarding the reassignment of personnel
     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. Possible Board action on matters discussed in Closed Session
   - B. Discussion and possible Board action on authorization to reorganize grade level campus composition due to declining enrollment and personnel changes
     Dr. Jeannie Meza-Chavez, Superintendent

9. **NEXT MEETING DATE:**
   Tuesday, June 16, 2026, Board Budget Adoption Meeting at 5:30 p.m.
   Wednesday, August 12, 2026, Regular Board Meeting 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.

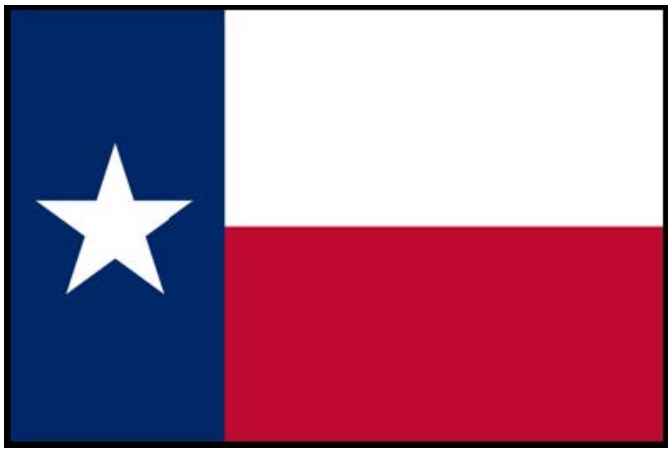
Should any final action, decision, or final vote be required in the opinion of the school Board with regard to any matter considered in such closed or executive meeting or session, then the final action, or final vote shall be either:

(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.

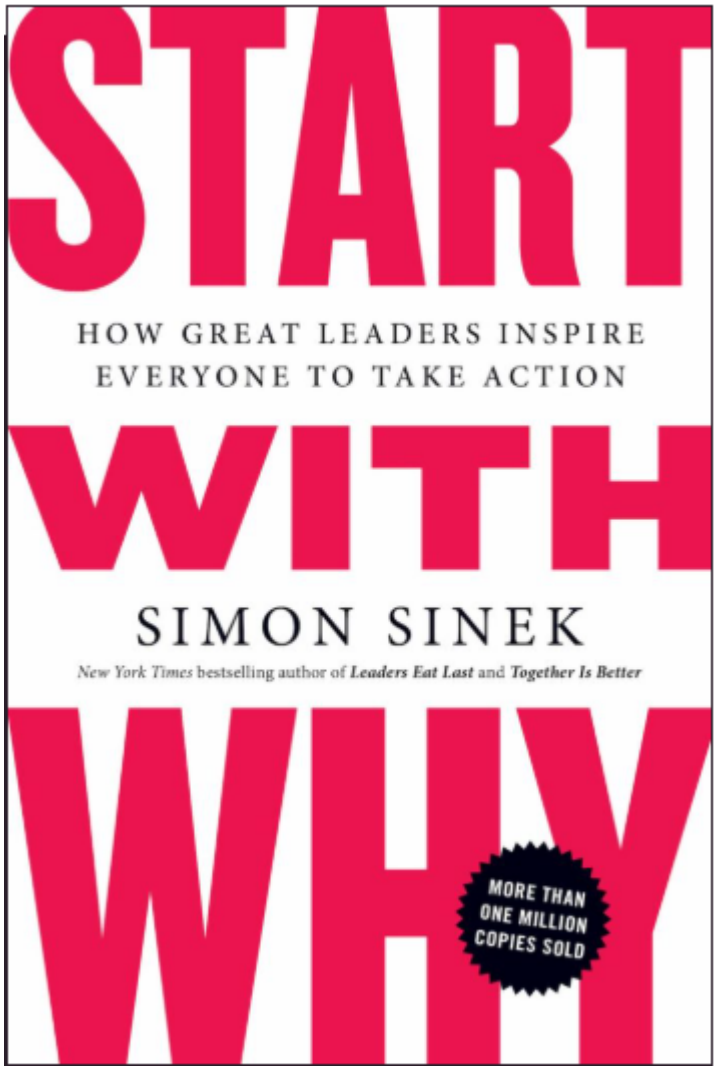


I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

"Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."



San Elizario ISD Board of Trustees
Book Study 2025-2026



Start With WHY:
How Great Leaders Inspire Everyone to Take Action
by Simon Sinek

August 13, 2025:
The book was sent to trustees before this meeting date to begin review.

September 16, 2025:
PART 1. A World That Doesn't Start With a Why
Chapter 1: pgs. 11-15 Assume You Know
Chapter 2: pgs.16-34 Carrots & Sticks

October 8, 2025:
PART 2. An Alternative Perspective
Chapter 3: pgs. 37-51 The Golden Circle
Chapter 4: pgs. 52-64 This Is Not Opinion; This Is Biology

November 12, 2025:
Chapter 5: pgs. 65-80 Clarity, Discipline and Consistency

January 14, 2026:
PART 3. Leaders Need A Following
Chapter 6: pgs. 83-114 The Emergence of Trust
Chapter 7: pgs. 115-130 How A Tipping Point Tips

February 11, 2026:
PART 4. How to Rally Those Who Believe
Chapter 8: pgs. 133-153 Start With Why, But Know How
Chapter 9: pgs. 154-159 Know Why – Know How – Then What?

March 4, 2026:
Chapter 10: pgs. 160-171 Communication Is Not About Speaking; It's About Listening
PART 5. The Biggest Challenge is Success
Chapter 11 pgs. 175-182 When Why Goes Fuzzy

April 8, 2026:
Chapter 12 pgs. 183-206 Split Happens

May 13, 2026:
PART 6. Discover WHY pg. 207
Chapter 13: pgs. 209-221 The Origins of A Why
Chapter 14: 222-225 The New Competition

Quote Share Learning

1. Quote Share: Find at least two quotes per chapter that resonate with you
2. Record your rationale for selecting each of the two quotes

Chapter	Quote with page number	Rationale
Chapter 1		
Chapter 2		
Chapter 3		
Chapter 4		
Chapter 5		
Chapter 6		
Chapter 7		
Chapter 8		
Chapter 9		
Chapter10		

Quote Share Learning

1. Quote Share: Find at least two quotes per chapter that resonate with you
2. Record your rationale for selecting each of the two quotes

Chapter	Quote with page number	Rationale
Chapter 11		
Chapter 12		
Chapter 13		
Chapter 14		

Alfonso Borrego, Sr. Elementary

2025-2026
#WeAreSomosSanEli

Progress Monitoring

Borrego Reading Apples to Apples Comparison

23-24 App %		24-25 App %		Current	25-26 App %	23-24 Vs 24-25	25-26 Vs 24-25
		3rd Gr.	60%	4th Gr.	63%	N/A	3%
3rd Gr.	65%	4th Gr.	66%	5th Gr.	62%	1%	-4%
4th Gr.	73%	5th Gr.	69%	6th Gr.	69%	-4%	0%

23-24 Meets %		24-25 Meets %		Current	25-26 Meets %	23-24 Vs 24-25	25-26 Vs 24-25
		3rd Gr.	31%	4th Gr.	33%	N/A	2%
3rd Gr.	36%	4th Gr.	34%	5th Gr.	37%	-2%	3%
4th Gr.	46%	5th Gr.	51%	6th Gr.	45%	5%	-6%

23-24 Mast %		24-25 Mast %		Current	25-26 Mast %	23-24 Vs 24-25	25-26 Vs 24-25
		3rd Gr.	7%	4th Gr.	10%	N/A	3%
3rd Gr.	13%	4th Gr.	8%	5th Gr.	13%	-5%	5%
4th Gr.	16%	5th Gr.	17%	6th Gr.	16%	1%	-1%

#WeAreSomosSanEli

1. Who is struggling most based on the data?	2. Which circumstances surrounded struggling students and what is being done about it?	3. Why is it working for some students	4. Which changes will happen based on the data?	5. How can the Board Help?
Based on our historical data, the students requiring the greatest support are our current **6th-grade students**. While they maintained their Approaches performance (69%), they experienced declines at the higher achievement levels, dropping **6 percentage points at Meets** and **1 percentage point at Masters** compared to their previous year's performance. This indicates that many students are achieving basic proficiency but are not consistently advancing to higher levels of mastery. Additionally, our current 5th-grade cohort showed a decline of **4 percentage points in Approaches**, suggesting a need for targeted intervention to ensure students remain on track.	Many struggling readers experience skill gaps in ***foundational reading***, vocabulary development, comprehension, and academic language. In addition, every student in 6th grade tests completely in English posing a challenge for some students. Attendance can also impact achievement. To address these challenges, we: • provide small-group instruction • schedule intervention block to provide specific support to students that is based on data • progress monitor • structured PLCs: internalization, rehearsal, SWAP, data meetings • tutoring opportunities • Use of HQIM (HMH)) to provide Tier 1 instruction aligned to TEKS and STAAR standards.	The data shows positive growth in several cohorts, particularly our current **4th-grade students**, who increased across all three performance levels: Approaches (+3), Meets (+2), and Masters (+3). Our current 5th-grade students also improved at the Meets (+3) and Masters (+5) levels. These gains suggest that consistent intervention, focused classroom instruction, consistent progress monitoring, and structured teacher collaboration are helping students move beyond proficiency and into higher levels of achievement. We have to continue to improve what we do.	Based on the data, we will increase our focus on accelerating students from Approaches to Meets and Masters levels at all grade levels. We will: *add the process of aggressive monitoring to daily instruction *strengthen Tier 1 instruction to include an explicit, well internalized and rehearsed first teach. *continue to improve the PLC process (lesson internalization/rehearsal, SWAP, data, short PD) *Strengthen Tier 2 and Tier 3 instruction *Implement formative assessments such as exit tickets and anecdotal notes *time stamp lessons	We have a population of 527 students. We need support in the are of Tier 1 instruction, implementation of instructional resources and Tier 2 and Tier 3 instruction. We are in need of support in all SPED classrooms to increase rigor, engagement, and student performance. Help us by putting out a strong message to the community that we need parents to prioritize their child's education.

Borrego MATH Apples to Apples Comparison

23-24 App %		24-25 App %		Current	25-26 App %	23-24 Vs 24-25	25-26 Vs 24-25
		3rd Gr.	51%	4th Gr.	47%	N/A	-4%
3rd Gr.	48%	4th Gr.	54%	5th Gr.	61%	6%	7%
4th Gr.	62%	5th Gr.	58%	6th Gr.	80%	-4%	22%

23-24 Meets %		24-25 Meets %		Current	25-26 Meets %	23-24 Vs 24-25	25-26 Vs 24-25
		3rd Gr.	23%	4th Gr.	27%	N/A	4%
3rd Gr.	18%	4th Gr.	31%	5th Gr.	23%	13%	-8%
4th Gr.	33%	5th Gr.	28%	6th Gr.	41%	-5%	13%

23-24 Mast %		24-25 Mast %		Current	25-26 Mast %	23-24 Vs 24-25	25-26 Vs 24-25
		3rd Gr.	4%	4th Gr.	6%	N/A	2%
3rd Gr.	5%	4th Gr.	11%	5th Gr.	4%	6%	-7%
4th Gr.	8%	5th Gr.	8%	6th Gr.	12%	0%	4%

#WeAreSomosSanEli

1. Who is struggling most based on the data?	2. Which circumstances surrounded struggling students and what is being done about it?	3. Why is it working for some students?	4. Which changes will happen based on the data	5. How can the Board Help?
Based on the cohort analysis, our **current 5th-grade students** are the group requiring the most support. While they improved at the Approaches level (+7%), they experienced declines at the higher achievement levels, dropping **8 percentage points at Meets** and **7 percentage points at Masters** compared to their performance as 4th graders. This indicates that students are meeting basic proficiency but are struggling to demonstrate deeper mathematical understanding and mastery.	Students who struggle in math often have unfinished learning in foundational number sense, problem-solving, mathematical reasoning, and academic vocabulary. Gaps that developed in earlier grades can become more evident as math concepts increase in complexity. To address these needs, teachers are: • providing targeted small-group instruction • intervention support • spiral review of prerequisite skills • data analysis through PLCs • progress monitoring. • We are also focusing on problem-solving strategies to strengthen conceptual understanding. • structured PLCs: internalization, rehearsal, SWAP, data meetings • Use of HQIM (Bluebonnet) to provide Tier 1 instruction aligned to TEKS and STAAR standards.	The data shows strong growth in several cohorts, particularly our **current 6th-grade students**, who demonstrated gains across all performance levels compared to their prior year performance: Approaches (+22%), Meets (+13%), and Masters (+4%). These results suggest that focused intervention, strong instructional practices, teacher collaboration, and targeted support are helping students achieve higher levels of mathematical proficiency. Our current 4th-grade students also showed growth at the Meets (+4%) and Masters (+2%) levels for the same reasons.	Based on the data, we will focus on increasing the number of students moving from Approaches into Meets and Masters performance levels, particularly in 5th grade. We will: • Build positive relationships with students • add the process of aggressive monitoring to daily instruction • Ensure consistent implementation of Bluebonnet • strengthen intervention • add the process of aggressive monitoring to daily instruction • strengthen Tier 1 instruction to include an explicit, well internalized and rehearsed first teach. • continue to improve the PLC process (lesson internalization/rehearsal, SWAP, data, short PD) • strengthen Tier 2 and Tier 3 instruction • implement formative assessments such as exit tickets and anecdotal notes • time stamp lessons	Considering we have a high enrollment, Borrego would benefit from support in the area of Tier 1 instruction, implementation of instructional resources in Tier 2 and Tier 3 intervention. Borrego would also benefit from support in all SPED classrooms to increase rigor, engagement, and student performance. Help us by putting out a strong, yet motivational, message encouraging the community to become active parents in the education of our students.

Attendance
(as of May 29, 2026)

DISTRICT ATTENDANCE Average: 93.37%		
2023-2024 End of Year	2024-2025 End of Year	2025-2026 Current
94.27%	94.6%	94.49%

2025-2026 Grade Level Attendance	
3rd 94.91%	5th 95.02%
4th 94.44%	6th 93.48%

#WeAreSomosSanEli

1. Who is struggling most based on the data?	2. Which circumstances surrounded struggling students and what is being done about it?	3. Why is it working for some students?	4. Which changes will happen based on the data	5. How can the Board Help?
The grade level with the lowest attendance percentage is 6th grade.	Sixth grade struggles to come to school everyday. Students are simply allowed to stay home. Forms of intervention for ***unexcused absences*** are as follows: • 3 =warning letter • 5= 45-day contract • 7=counselor reaches out to parent for support • 13+ and after trying to work closely with parent=file for court (8 families this year) • Committee meets every Wednesday to review reports and decide the action for each student. • Consistent phone calls • Home visits by Principal/CIS/Parent Liaison/Mr. Galvan • We held 3 parent sessions (during hours and after). *Incentives included:* Popcorn parties 15 min. extra recess as a class (monthly) Free dress Friday Field trip at EOY Awards/certificates Popsicle surprise We raffled 2 bikes per grade level (8) Promoted Project Vida Clinic	There are many families who consistently prioritize school and ensure their children attend every day. Meetings with school representatives are impactful. Keep an open line of communication. We work everyday to ensure that families know that we genuinely care. In some cases, we work to resolve concerns (usually between children).	The idea is to move beyond **reactive attendance interventions** to more **proactive, preventative systems** that address overall attendance. We will take a more proactive approach to improving attendance by identifying students at risk earlier in the school year and supporting them before absences increase. We will strengthen communication with families, revisit student incentives, and provide additional support through mentoring, counseling, and check-ins.	The Board can support attendance efforts by communicating with the community a message about the importance of daily attendance across the district. Consider the creation of a district-wide attendance committee (made of APs possibly) to address attendance problems we all face.

Overall Improvements

2025-2026
#WeAreSomosSanEli





#WeareSomosSanEli

Alfonso Borrego, Sr. Elementary

2025-2026
##WeAreSomosSanEli

Questions?

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: Board Operating Procedures Annual Review
Date: June 10, 2026

HISTORY: The San Elizario ISD Board Operating Procedures (BOP) serves as a guide for individuals engaged in board service. The BOP manual has procedures set to develop best practices for the critical work ahead. In addition, the BOP manual serves as a guide to conducting board meetings more effectively.

The BOP manual comprises the following sections: 1) Vision & Values, 2) Accountability & Structure, and 3) Advocacy & Unity.

The document includes a board self-evaluation from the Texas Association of School Boards (TASB) that the San Elizario ISD uses to evaluate and improve.

The BOP manual has been updated to include the proposed student outcomes goals as part of HB3. In addition, the BOP will be adjusted to include the updated 2026-2027 school year monitoring calendar.

RATIONALE: The review of the San Elizario ISD Board Operating Procedures is an annual review conducted by all San Elizario ISD Board of Trustees.

BUDGET IMPACT: There is no impact on the budget for this item.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is for the board to complete the self-evaluation and return on Tuesday, June 16, 2026, and to review and provide input on, and, if needed, revise, the Board Operating Procedures. If the Board of Trustees has additional revisions, the BOP manual can be returned in August for another approval.

For Approval? ☒ Yes ☐ No
If not, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

BOARD OPERATING PROCEDURES MANUAL

A Proud Community of Champions – Soaring to Excellence!

Last Approved 10/15/2025

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I. INTRODUCTION

Welcome to the official Board Operating Procedures Manual (the "Manual") for San Elizario Independent School District ("SEISD"). In successful school systems, the superintendent and school board function as a "Team of Eight," unified in their commitment to their district's success. To strengthen this partnership, the SEISD Board of Trustees (sometimes referred to herein as the "Board") has adopted the Board Operating Procedures in this Manual to support clear, effective communication between the Board and the Superintendent, between the Board and District staff and between the Board and the broader District community. These procedures are aligned with SEISD's Code of Ethics, Vision Statement, and all applicable laws and policies that govern the Board's and SEISD's operations.

The Board Operating Procedures in this Manual are designed to guide and support Board Members and the Superintendent in carrying out District business responsibly and effectively. While these procedures are an important framework, they do not create legal rights for any third party, nor do they override existing Board Policy. Should any conflict or inconsistency arise between these Procedures and adopted Board Policy, every effort will be made to revise either Board Policy or the Operating Procedures to reflect the Board's intentions accurately, in compliance with state and federal law.

This manual is not static; it will be routinely reviewed and updated to reflect evolving best practices in school governance, allowing SEISD to benefit from the most current, effective governance strategies. By committing to regular evaluations, the Board strives to ensure that its practices consistently serve the district's interests, foster positive educational outcomes, and reinforce trust with the community. As we work in the spirit of collaboration and teamwork, these operating procedures demonstrate our dedication in holding ourselves accountable to all stakeholders.

II. HOW TO USE THIS MANUAL

Approved by a majority of the Board of Trustees, this Manual serves as a guiding framework for the Board's governance, responsibilities, and conduct, ensuring that all actions align with SEISD's mission, values, and dedication to educational excellence. Through this Manual, SEISD's Board of Trustees aspires to uphold the highest standards of governance, continuously reflecting on its practices to enhance the district's ability to serve students, staff, and the broader community effectively.

III. BOARD'S MISSION STATEMENT, VISION AND VALUES

Vision

San Elizario ISD: A Proud Community of Champions – Soaring to Excellence!

Mission

It is the mission of the San Elizario Independent School District 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

Board's Student Outcome Goals for the Superintendent

The Board's student outcome goals, as aligned with the school system vision, are:

Student Outcome Goal 1:
The percentage of students taking the Math STAAR test showing growth from previous year to current year will increase from 61% Spring 2025 to ≥ 77% by Spring 2027.
See appendix 1 pg. 34.

Student Outcome Goal 2:
The percentage of students taking the Reading Language Arts STAAR test showing growth from previous year to current year will increase from 66% Spring 2025 to ≥ 72% by Spring 2027.
See appendix 1 pg. 34.

Student Outcome Goal 3:
SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥ 88% by June 2028 as measured by the A-F Accountability System.
See appendix 1 pg. 35.

The Superintendent shall interpret and implement the Board's student outcome goals and, in consultation with the Board, select goal progress measures (GPMs) for each student outcome goal. For any school year during which the Board's student outcome goals are not met, the Superintendent shall make reasonable progress toward meeting the student outcome goals. The Board's student outcome goals shall be the Superintendent's first priority for resource allocation.

Board's Constraints for the Superintendent

In attaining the Board's student outcome goals, the Superintendent shall not:

1. Allow the collaborative partnership between home, school, and community to deteriorate.

2. Allow adult convenience or preference to take priority over the academic progress of our students. The Superintendent shall interpret and implement the Board's Superintendent constraints

Theory of Action

If the district supports all students in reaching their individual educational goals; and if the district commits to all students learning the same standards but when necessary, reach them using differentiated time, resources, and approaches (Walters and Marzano, 2006); and if actions demonstrate leadership is expected from everyone as we support risk- taking and learning from setbacks in our support of success; and if accountability is defined as being responsible to peers and colleagues in the pursuit of learning (Lambert, 2002), then the district and through campuses, will be able to accomplish the Board's student outcome goals while operating within the Board's constraints.

IV. ACCOUNTABILITY AND STRUCTURE POLICIES

The Board's Role

The Board shall:

1. Ensure creation of a shared **vision** that promotes improved student outcomes. The Board shall accomplish this by incorporating the community's vision and values into student outcome goals and fulfill our mission—all within the constraint.

2. Provide guidance and direction for accomplishing the vision. The Board shall accomplish this by creating a structure for the school system through distinct Board and Superintendent roles and responsibilities, which includes selecting the Superintendent, delegating to the Superintendent the authority and responsibility to implement the Board's goals within law and the Superintendent constraints, and considering and voting on the Superintendent's recommendations.

3. Promote the vision. The Board shall accomplish this by providing **advocacy** for students, families, staff, and stakeholders.

4. Work with the superintendent to lead the school system toward the vision. The Board shall accomplish this by behaving in a manner that demonstrates the **unity** of the Board and the school system.

In carrying out the above activities, the Board shall at all times comply with the Education Code and other laws, as applicable.

Superintendent's Role

The Superintendent, as the Board's sole delegate for managing school system operations, shall be responsible for accomplishing any reasonable interpretation of the Board's student outcome goals within the boundaries provided by the Board and Superintendent constraints and state and federal law.

State and federal law require board adoption of policies on a variety of topics. The Board's adopted policies in the school system's local board operating manual constitute compliance with these legal requirements. In accordance with state law, the Superintendent shall be responsible for preparing

recommendations for policies to be adopted by the Board, overseeing implementation of adopted policies, and developing appropriate administrative regulations. In recommending policy for Board adoption, the Superintendent shall identify when the Board is required to adopt policy or has statutory decision-making authority that cannot be delegated to the Superintendent. Required board policy addressing administrative issues shall be handled by consent agenda, with the Superintendent informing the Board of substantive changes.

Any operational issues not required to be Board adopted shall be addressed in administrative policy/regulations and the Board shall take necessary steps to remove such issues from its local policies.

Board's Constraints for the Board

The Board shall operate within the Board's role, as defined above, and the Board's operating procedures. The Board, either collectively or through the actions of individual Board Members, shall not:

- Deviate from the Board's operating procedures, particularly related to the protocol of communication.
- Deviate from the agenda once it is set three (3) business days in advance.

Board Self-Evaluation

The Board shall conduct self-evaluations at least once a year. The Board shall self-evaluate using the TASB - Effective Board Practices: An Inventory for School Boards. See appendix 7 pg. 41.

V. ADVOCACY AND UNITY

Code of Ethics

As a member of the Board, I shall promote SEISD's best interests as a whole and, to that end, shall adhere to the following ethical standards:

Equity in Attitude

- I will remain fair, just, and impartial in all my decisions and actions.
- I will treat others with the respect I wish to receive.
- I will foster an environment that encourages diverse opinions and actively listen to others' ideas with an open mind.

Trustworthiness in Stewardship

- I will uphold accountability to the public by accurately representing the District's programs, priorities, and progress.
- I will engage with the community by inviting their involvement in District affairs and effectively communicating the District's priorities and concerns.
- I will strive to ensure the prudent and responsible use of District resources.

- I will refrain from making personal promises or taking private actions that could compromise my ability to fulfill my responsibilities.

Honor in Conduct

- I will be truthful in all matters.
- I will share my perspective openly and work toward building consensus.
- I will uphold the majority decision as the official decision of the Board.
- I will make decisions based on facts, not on assumptions, opinions, or public sentiment.
- I will collaborate with my colleagues and resolve any disagreements respectfully through proper channels, in line with Board Policy and established Operating Procedures.
- I will treat my colleagues, District leaders, staff, and community members with courtesy, honesty, and respect at all times, including during Board meetings, one-on-one meetings, conferences, District events, and social gatherings.

Integrity of Character

- I will maintain my independent judgment and not yield to any individual or group if it compromises the best interests of the District as a whole.
- I will consistently adhere to all applicable laws, rules, policies, and governance procedures.
- I will protect confidential information that is legally privileged or could unnecessarily harm the District if disclosed.
- I will acknowledge and respect the integrity of my predecessors and colleagues.

Commitment to Service

- I will focus my attention on fulfilling the Board's responsibilities of goal setting, policymaking and evaluation.
- I will diligently prepare for and attend Board meetings.
- I will seek continuing education that will enhance my ability to fulfill my duties effectively.
- I will comply with all District policies adopted by the Board.

Student-Centered Focus

- I will be continuously guided by what is best for all students of the District.
- I will focus on issues involving Board priorities and policies rather than personalities.

Board Member as Parent

- As a parent, within the District, a Board member shall:
  - Clearly indicate to staff when communicating that they are acting in the capacity of a parent, not as a Board member.
  - Refrain from requesting, expecting, or requiring any extra consideration or preferential treatment for their children due to their position on the Board.

A Board member shall not:

- Make any personal promise or take any private action that may compromise the Board member's performance or responsibilities.
- Text or communicate electronically with others to discuss District business or personal business during Board meetings in closed or open session.
- Record district personnel or board members without their consent.
- Make negative statements regarding the performance of the Superintendent, board members, or staff. Such statements may only be made when acting in an official capacity and in accordance with law and Board Policy.

Board members will execute the SEISD Professional Standards of Conduct attached to these procedures and return the executed document to the Board President who will authorize the Superintendent or Superintendent's designee to maintain such documents on behalf of the Board.

VI. BOARD MEMBER SOCIAL MEDIA POLICY

1. **Good comportment, especially on social media, is in the District's interest and serves as the best PR.**

2. **Do NOT overshare and verify the truth of your information.** You should be particularly careful about the information you share on social media and make certain that you do not overshare. Remember that a violation of the Open Meetings Act carries criminal penalties that include fines, jail time or both. Likewise, there are legal consequences for communicating false information such defamation or libel suits. Moreover, be mindful of the confidential nature of certain information shared with you and limit the content of your communication to information that San Elizario ISD has previously released to the public.

3. **Speak for yourself, and yourself only.** Although you are free to communicate with others on social media, please do not use your personal social media accounts to speak on behalf of the school board or San Elizario ISD. If you choose to communicate on social media about San Elizario ISD business, please ensure that you specify that you are communicating as an individual and not on behalf of the board or the school district.

4. **Do not communicate with other board members through social media.** In doing so, you run the risk of establishing a quorum and discussing district business outside of a publicly noticed meeting which would violate Open Meetings laws.

5. **Avoid re-creating board meeting events and discussions.** Doing so can lead to unintended contradictions or confusion. Instead, direct the public to key administration, meeting minutes, agendas, publicly available documents, etc.

6. **Don't jump to conclusions and make pre-determinations.** Do not publicly communicate about your consideration or decision-making on matters that have not yet reached the board for possible action Be mindful of the legal processes for certain matters and refrain from even the appearance of making pre-determinations or decisions outside of the established or required

process (for example, due process hearings for teacher nonrenewals, employee grievance hearings, adoption of tax rate, etc.).

7. **Refrain from involving yourself as a witness in a matter that may result before the Board.** If you are approached or contacted with a complaint, redirect the complainant to the appropriate administrator. Be sure to promptly inform the Superintendent and Board President of the matter.

8. **Remember that you are a temporary custodian of records under state law.** Under recent legislative changes to the Public Information Act, board members, public officials, and employees are required to maintain all records pertaining to district business. This includes communication by text, personal email and social media. This means that your social media communications are presumed.

9. **Seek legal advice prior to deleting public comments or blocking participants.** Even if you're using a personal social media account, deleting public comments or blocking persons with whom you disagree have the potential of violating the constitutional tenets of free speech—especially if the communication relates to district business. Check with the district's legal counsel before taking any action, or better yet disable all public comment functions on your account.

10. **Quickly report any possible illegal or criminal activity, to include threats against district employees, students and public officials.** Report the information to the Superintendent, Board President and law enforcement.

VII. ROLE & DUTIES OF THE SUPERINTENDENT

The Superintendent, as the Board's sole delegate for managing school system operations, shall be responsible for implementing the Board's student outcome goals within the limits set by Board and Superintendent constraints, and in compliance with state and federal laws. This includes:

- **Policy and Compliance**:

  The Superintendent will recommend policies for Board adoption and oversee their implementation, ensuring the Board's adopted policies meet legal requirements. The Superintendent shall identify policies requiring Board action or statutory decision-making authority that cannot be delegated. All policies addressing administrative issues will be handled via consent agenda, with the Superintendent informing the Board of substantive updates. Administrative issues not requiring Board adoption will be addressed in administrative policy and regulations, with the Board taking steps to remove such items from its local policies.

- **Educational and Operational Leadership**

  The Superintendent is tasked with organizing education programs, services, and facilities and providing leadership to improve student performance. This includes assuming responsibility for the assignment, supervision, and evaluation of District personnel,

including the authority to initiate termination, suspension, or nonrenewal of employee contracts.

- **District Operations and Budget Management**

  The Superintendent manages daily District operations, including implementing and monitoring plans, procedures, programs, and systems to achieve clear results. This includes preparing and administering the District budget, overseeing compliance with facility standards, and ensuring the adoption and enforcement of the student code of conduct and other disciplinary rules.

- **Administrative Organization**

  The Superintendent will organize central administration, consult with District-level committees, and develop any necessary administrative regulations.

- **Reporting and Accountability**

  The Superintendent will submit required reports in accordance with state and federal law, provide leadership in partnership with the Board, and fulfill any additional contractual duties assigned by the Board.

VIII. ROLE OF BOARD OFFICERS AND BOARD MEMBERS

Board President Responsibilities:

- Preside over all board meetings.
- Call special meetings as needed.
- Sign all legal documents as required by law.
- Fulfill all duties and obligations as outlined by Board Policy, state and federal statutes, and applicable regulations.

Board Vice-President Responsibilities:

- Act in the capacity of Board President in the absence of the Board President.
- Fulfill all duties and obligations as outlined by Board Policy, state and federal statutes, and applicable regulations.

Board Secretary Responsibilities:

- Ensure accurate records are maintained.
- Act as Board President in the absence of both the Board President and Vice-President.

IX. EVALUATION OF THE SUPERINTENDENT

1. Evaluation Instrument: The Board shall approve the evaluation instrument for the School Superintendent, which shall be developed with the input of the Superintendent.

2. Annual Performance Evaluation: The Board shall prepare a comprehensive written evaluation of the Superintendent's performance at least annually, or more frequently if deemed necessary. This evaluation must be completed before the anniversary of the Superintendent's hire date.

3. Evaluation Criteria: The evaluation will utilize a document that includes both general subjective goals and objective performance-related goals. All criteria will align with the Board's mission and goals for academic achievement and overall District performance.

4. Consensus and Discussion: The Board shall reach a consensus on the final evaluation and present it to the Superintendent. The conclusions will be discussed in a closed meeting, unless the Superintendent requests an open discussion.

5. Facilitation and Scheduling: The Board President will facilitate the evaluation process and schedule the presentation during a duly posted Executive Session at least four (4) weeks prior to the Superintendent's annual hire date.

6. Action Based on Evaluation: Any actions resulting from the evaluation will be at the sole discretion of the Board and must be agreed upon by a majority of Board Members in accordance with the Texas Open Meetings Act.

7. Future Criteria Agreement: Within thirty (30) days of completing the evaluation, the Board and the Superintendent shall meet to agree on the specific evaluation criteria for the next year. The Board may revise these criteria at any time with a majority consensus.

8. Performance Reviews: The Board may conduct ongoing reviews of the Superintendent's performance and progress towards meeting established goals. Any resulting actions or adjustments will be at the Board's discretion and require a majority agreement, consistent with the Texas Open Meetings Act. The Board may also conduct oral evaluations at any time to supplement written evaluations.

9. Regulatory Compliance: The Board will ensure that the evaluation process and all related documents adhere to local, state, and national regulations and guidelines.

X. BOARD MEMBER CAMPUS VISITS

- Board members are encouraged to visit any campus, but they must treat administrators and campus personnel with respect to avoid undermining their authority.

- Board members should arrange visits with the Superintendent at least 24 hours in advance, except when attending a scheduled campus activity to which they have been invited.

- As a courtesy, board members will inform the campus principal and the Superintendent's Office of any visit 24 hours in advance whenever possible.

- Board members must check in at the principal's office following District guidelines and present a driver's license or other proof of identification as required. They should wear their District ID badges while on campus.

- All visits are to be escorted or directed by a staff member designated by the principal.

- Board members may communicate with any staff member regarding topics within the scope of their visit, provided that such communication does not interrupt scheduled learning periods or interfere with the learning process. If board members wish to discuss other matters, they must notify the Superintendent in advance of their visit.

- Board members will not assume a supervisory or participatory role with staff or students unless specifically requested by campus staff.

- Visits during the school or business day shall not be permitted if their duration or frequency interferes with the delivery of instruction or District operations.

XI. BOARD AND SUPERINTENDENT COLLABORATION

Board Member Concerns About Superintendent Performance

1. If, at any time, a Board Member becomes concerned that the Superintendent may have (1) breached any term of the Superintendent's contract; (2) violated a state or federal statute; (3) violated a Board Policy or Operating Procedure; or (4) failed within a reasonable amount of time to address a specific issue identified by the Board, the following process will be used:

    a. The concerned Board Member will meet privately with the Superintendent to discuss their concerns in order to resolve the issue(s). The concerned Board Member may elect to bring their concerns to the Board Chair instead who will assist in resolving the issue(s).

    b. If the concerned Board Member does not feel that the resolution is satisfactory, the Board Member may request, through the Board Chair, that an item be placed on the next regular meeting agenda as a Closed Meeting item, posted in accordance with Texas Government Code. The concerned Board Member must inform the Board Chair in writing of the specific nature of any concern(s) which prompted the request for a Closed Meeting.
    c. In addition, the Board Chair may, of their own accord, place an item on a regularly scheduled meeting agenda as a Closed Meeting item to discuss concerns about the professional performance of the Superintendent.

2. In the event that a Closed Meeting is called, the Board must listen to the concern(s) and make a determination if the issue raised is truly cause for concern. Failure to make such a determination shall end the Board Meeting.

3. If the majority of the Board determines that there is a violation or breach of one of the items listed, the following process will be followed:

    a. The exact nature of the deficiency will be documented and discussed with the Superintendent.
    b. A plan for remediation will be written, to include action(s) to be taken and timelines.
    c. The Board Chair shall monitor the plan for compliance and the results will be made part of the Superintendent's annual performance evaluation.
    d. It shall be the responsibility of the Board Chair to ensure that all documentation relating to performance deficiencies shall be appropriately placed in the Superintendent's personnel file.

Board Member Concerns About Employee (other than Superintendent) Performance

1. Concerns About Employee Performance: When a Board Member has concerns regarding the performance of District employees, they must communicate those concerns directly to the Superintendent and inform the Board Chair. Such concerns should be limited to the following categories:

    a. Illegal actions;
    b. Egregious violations of Board policy; or
    c. Actions that may harm the District's or Board's reputation.

2. Responsibility for Personnel: Board Members should recognize that the management of District personnel is the sole responsibility of the Superintendent, not the Board.

3. Superintendent's Obligations: The Superintendent is required to listen to these concerns, review the relevant matters, and notify the Board of the resolution, as permitted by policy.

4. Safety-Related Concerns: If a Board Member has concerns about the performance of District employees that relate to the safety of employees, students, the Board, or the community, they must notify the Superintendent and, if appropriate, the police department.

XII. BOARD TRAVEL/TRAINING

Professional Development:

Board members shall attend professional development and conferences to assist them in their duties and responsibilities, as well as to acquire continuing education credit. Conferences that board members may attend include:

- TASB Conference
- National School Board Conference
- Far West Texas Association
- Region 19 sessions
- TASB Online training sessions

- MASBA (Mexican American School Board Association)
- NALEO Educational Fund (National Association of Latino Elected and Appointed Officials)

Following any board-approved or paid travel, all traveling board members are required to provide a verbal report in open session at the next board meeting regarding:

- Hours of training completed
- Attendance at all or most sessions offered
- Highlights of any information or training received

Travel Reimbursement:

1. Reimbursement: Board members shall be reimbursed for reasonable and allowable travel expenses incurred while carrying out board business at the Board's request, as well as for expenses incurred while attending meetings and conventions as official representatives of the Board when attendance is authorized and deemed necessary for the conduct of public schools.

2. Spouse Expenses: The District will not pay the travel expenses of spouses or other individuals accompanying a Board Member to Board-related activities unless those individuals have responsibilities or duties to perform for the Board.

3. Payment for Expenses: In accordance with Board Policy BBG (Local), payment for authorized and documented travel expenses will be made in compliance with legal requirements, either through reimbursement (not to exceed allowable rates) or by advancing a set amount. Board members shall coordinate travel to board meetings and conventions, including commercial transportation and lodging, with the District's designee. If the designee cannot coordinate travel-related expenses, the District shall reimburse the member for incurred expenses, not to exceed allowable rates.

4. Advancements for Expenses: The District may advance a set amount of funds for personal car use, taxi fares, meals, and other incidental expenses. Any excess over allowable expenses shall be refunded to the District.

5. Expense Documentation: For any authorized expenses incurred, board members shall submit a statement documenting actual expenses, with receipts provided to the extent feasible.

6. Additional Policies: For specific policies related to Board Member Travel Reimbursement, refer to Board Policy BBG (Legal) and BBG (Local), available online at TASB Policy.

XIII. BOARD MEETING GUIDELINES AND PROCEDURES

Board Meeting Procedures

- The San Elizario ISD Board shall meet on a regular monthly business session on the second Wednesday in the Boardroom.

- Changes in the date and / or place to accommodate holidays and special events shall be approved by the Board in advance.

- Additional meetings may be called as needed.

- Anytime four (4) or more Board members are gathered to discuss school district business, it is considered a meeting.

- Failure to post such a meeting is considered a violation of the Texas Open Meetings Act.

- The Board shall observe the parliamentary procedures in Robert's Rules of Order, except as otherwise provided in Board procedural rules or by law.

- Board members are expected to attend and participate in duly called meetings.

- Board member may be permitted to attend a meeting of the Board of Trustees through virtual participation only if the board member is physically unable to attend in person due to illness or other personal emergency.

- Board members should come to the Board meetings prepared to discuss and take action on all items on the agenda. At a minimum, each member is expected to review the board packet provided before the meeting and, when possible, resolve any questions by reaching out to the Superintendent or relevant administrative staff in advance.

Board Agenda Procedures

1. Agenda Creation and Approval

    - The Superintendent prepares the agenda in consultation with the Board President, who holds final approval authority over the official agenda.
    - Board Members may request that a subject be included on an agenda for a meeting. The Board President must ensure that any topics requested by Board Members for inclusion are either placed on the agenda or scheduled for future deliberation. The Board President cannot remove a requested agenda item without the requesting Board Member's authorization.

2. Focus on Student Outcomes

    - Agenda items should align with the Board's goals, with a focus on improving student outcomes and monitoring progress toward adopted goals.

3. Submission Deadlines and Additions

    - Items for inclusion on the agenda must be submitted by the fifth working day before regular meetings and the third calendar day before special meetings.

- No item can be added less than three (3) business days in advance, except in exigent circumstances.
- Additional agenda items after the original posting must comply with state laws.

4. Agenda Notifications and Backup Materials

- Board Members are given notice of regular and special meetings at least three (3) business days prior and at least one hour prior for emergency meetings.
- Backup materials for each agenda item are provided at least three (3) business days in advance. If this deadline cannot be met, materials should be delivered to the Board as soon as possible before the meeting.
- For action items, relevant information should accompany backup materials. The Board may, by consensus, remove an item from the agenda if adequate backup materials are not available, unless an emergency or urgent necessity exists.

5. Consent Agenda

- Items on the Consent Agenda, determined by the Board President, generally include:
    - routine items,
    - annual contract renewals,
    - budget amendments,
    - tax refunds,
    - donations,
    - financial information,
    - minutes from prior meetings,
    - routine personnel items,
    - routine bid recommendations,
    - policy updates, and
    - construction amendments.

- Board Members may ask questions about consent items before the meeting. If further discussion is required, any member can request that an item be pulled from the Consent Agenda and discussed as an action item.

6. Executive Sessions

Executive Session may be needed according to the Texas Education Code or Texas Open Meetings Act.

- All personnel issues shall be conducted in an executive session unless specifically required by the Texas Open Meetings Law.

- Anything that violates the right to privacy, (Texas Open Meeting Act, Texas Open Records Act) cannot be placed on the open agenda.

- Anything that falls under the Texas Government Code 551.072 such as private consultation with the board's attorney, discussing purchases, exchange, leases, or value of real property, discussing negotiated contracts for prospective gifts or donations, discussing personnel or to hear complaints against personnel, deliberation regarding security devices, considering discipline of a public school child, or complaint or charge against personnel, considering the stands, guidelines, terms or conditions the board will follow, or will instruct its representative to follow, in consultation with representatives of employee groups, 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 in the open meeting covered by the Notice upon the reconvening of the public meeting or at a subsequent public meeting of the School Board upon notice thereof; as the School Board shall determine.

- The Board prohibits the use of technology that has recording capabilities during executive sessions without prior permission from board.

- Discussions during closed sessions shall remain confidential.

7. Questions About the Agenda

    - Board Members should follow the procedures herein for making inquiries on agenda items.

Board Executive Session Procedures

1. Conducting Executive Sessions for Personnel and Sensitive Matters

    - Personnel matters and issues that could infringe on privacy rights are handled in executive sessions, unless otherwise required by the Texas Open Meetings Act.

    - Any topics that involve privacy concerns, as specified by the Texas Open Meeting Act or the Texas Open Records Act, cannot be included on the open agenda, in compliance with the law.

2. Authorized Topics for Executive Session

    - The Board may only discuss items listed on the executive session agenda, as prescribed by Texas Government Code Sections 551.071 - 551.076, which cover:

        - Private consultations with the Board's attorney,
        - Discussion of property transactions,
        - Negotiations for prospective gifts or donations,
        - Personnel matters or complaints against personnel,

- Deliberations about security devices, student discipline, and complaints against personnel,
- Considerations of the Board's stance or guidelines for consultations with employee group representatives.

3. Confidentiality and Limitations of Executive Sessions

   - Discussions and information shared during executive sessions are strictly confidential by law, and all Board Members understand the requirement to uphold this confidentiality.

   - The Board prohibits the use of any recording devices in executive sessions unless prior permission is granted.

   - If Board Members are approached for information about executive session matters, they will refer to the posted agenda as the extent of public disclosure and will direct further inquiries to the Board President or Superintendent.

4. Public Statements Post-Executive Session

   - Should a statement regarding discussions or outcomes of an executive session be deemed in the best interest of the district, the Board President will compose an official statement with approval from the Board majority. Such statements must comply with legal restrictions.

5. Recessing to Executive Session and Documentation Requirements

   - The Board must convene in an open session with appropriate posting before recessing into an executive session. The agenda items for executive session are to be read aloud, specifying the matters to be discussed under Chapter 551 of the Texas Government Code.

   - The Board keeps a certified agenda, with minutes attached, documenting each executive session. Only Board Members, regardless of their attendance at the session, may review these minutes without a court order.

   - To review executive session minutes, Board Members must contact the Board President to arrange a secure review. The minutes are sealed, stored securely, and remain confidential.

6. Actions Following Executive Session

   - No action or voting can occur during executive sessions; all Board actions, including final decisions and votes on executive session matters, are conducted in open session per Chapter 551 of the Texas Government Code.

- If any final action, decision, or vote is necessary following an executive session discussion, it must occur in an open session or at a subsequent public meeting with proper notice, as determined by the Board.

Participation in Discussion, Debate, and Voting

1. Parliamentary Procedure

    - The Board follows *Robert's Rules of Order, Newly Revised* as its parliamentary procedure for meetings, motions, and debates.

2. Member Conduct

    - All Board Members are expected to act with professionalism, respect, and integrity in alignment with the Board's "Member Conduct at Board Meetings/Public Forums" guidelines.

    - No Trustee shall coerce another member to vote in a specific manner or solicit votes in a way that conflicts with the Texas Open Meetings Act.

    - Trustees shall not criticize each other's questions, discussions, or votes.

3. Recognition and Debate

    - The Board President, or the presiding member, will recognize any Board Member wishing to speak on a subject.

    - Debate may continue until each Trustee has had sufficient time to ask questions or make comments unless a motion to end debate is adopted.

    - Questions or comments must relate directly to the current agenda item.

4. Discussion of Motions

    - All discussions are limited to the business currently under deliberation as listed on the agenda.

    - The Board President is responsible for ensuring that discussions remain focused on the motion at hand and has the authority to halt any off-topic discussions.

    - The Board Chair may make motions, second motions, participate in debates, and vote on all matters.

5. Voting Protocols

- Board Members are expected to vote on all motions unless there is a legal conflict of interest as defined by law (Policies BBFA and BBFB).

- Members may abstain from voting and are allowed to briefly explain their reason for abstention.

- Members must abstain from voting when such action would violate the Board's policies or federal or state law.

- Voting is conducted by a show of hands or voice vote, and all votes, including dissenting and abstaining votes, will be recorded in the minutes.

- Each Board decision, even when there are dissenting votes, shall be an action by the simple majority of the Board and binding upon each member.

- Individual members are encouraged to express their opinions during the discussion of motions, but following the vote, members shall publicly discuss only the decision of the whole Board.

XIV. BOARD MEMBER REQUESTS FOR INFORMATION, DOCUMENTATION, REPORTS OR REPORTS OTHER THAN AGENDA ITEMS

Access to Information for Decision-Making

- Board Members are entitled to the information necessary to make informed decisions on matters before them. Board Members may email or call the Superintendent or designated staff to request information.

- If a request requires significant staff time, the Superintendent and Board Chair will consult with the requesting Board Member to find a reasonable solution.

- Information requested by any Board Member will be shared with all Trustees.

- If a Board Member wishes to request district records in a personal capacity, as opposed to his or her official capacity as a Board Member, the Board Member shall use the Districts procedure for requests under the Public Information Act. SEISD will respond to the request following its standard procedures for all public information requests.

Requesting District Records Outside of Board Meetings

- When a Board Member, acting in an official capacity, requests specific records maintained by the District outside of a board meeting, the Superintendent will notify the Board Member that the request is tracked under Texas Education Code Section 11.1512 and will provide the necessary tracking form.

- Tracking is not required for requests related to upcoming agenda items made before or during a board meeting.

- If a member requests information that requires an excessive amount of staff time to complete, the Superintendent and Board Chair shall consult with the member to find a reasonable solution.

- Board members shall email the Superintendent all information requests and copy the Board President. The Superintendent will add the request to the Board Communication Matrix Chart. The Board Communication Matrix Chart shall be utilized as followed:

    - 1. Board member emails Superintendent their request for records and copies the Board President;
    - 2. Superintendent adds the request to the Matrix Chart (i.e., request, date, question, concern reported, assigned to, due date, status/outcome), and assigns administrator and due date; and
    - 3. Update Board accordingly of request and outcome.

- When information is requested by a Board member, it will be provided to all Trustees.

- By law, the District must post, in a place convenient to the public, the cost of responding to one or more requests submitted by a board member if the request(s) are for 200 or more pages of material in a 90-day period. The district must report annually to the Texas Education Agency (TEA) the number of requests submitted by a board member during the preceding school year and the total cost to the district of responding to requests during that school year.

Access to Confidential Records

- Board Members may access confidential records only if they are acting in an official capacity and have a legitimate educational interest, as outlined in Board Policy FL. Additional security measures may apply.

- If the Board Member requests information in a personal capacity, the Superintendent will direct them to follow the District's public information request procedures.

- Board Members will recognize students' rights to privacy and SEISD's obligations under the Family Educational Rights and Privacy Act ("FERPA")

- The district may withhold or redact information, documents, or records that are excepted from disclosure or are confidential under the PIA or other law, including FERPA.

Timely Response to Information Requests

- By law, as the general rule, SEISD shall respond to a Board Members' request for information no later than the 20th business day after the date the District receives the request.

- As an exception to the general rule, the district may take a reasonable additional period of time, not to exceed the 30th business day after the date the district receives the request, to respond to a request if compliance by the 20th business day would be unduly burdensome given the amount, age, or location of the requested information. The administration shall inform the requesting Board Member of the reason for the delay in providing the requested information and the date by which the information will be provided.

Tracking

- Tracking is not required by Section 11.1512 when a board member requests records or a report during a board meeting.

Prohibition on Requiring New Analyses or Records

- Board Members may not direct or require District employees to conduct analyses or create new records from existing data. Requests for new reports or analyses should be made through official Board action.

XV. BOARD/VENDOR RELATIONS

Vendor Contact Prohibition

1. Prohibited Contact: Vendors and Board Members are prohibited from making oral or written contact with each other individually for the purpose of soliciting a purchase or contract related to District business or discussing an outstanding bid or proposal submitted or to be submitted to the District between the formal release of a request for proposal or bid and the administration's recommendation to the Board.

2. Consequences of Violation: If a vendor or Board Member violates this prohibition, consideration of the vendor for award of the bid or proposal shall be invalidated.

3. It is a criminal offense for a vendor who bids on or receives a contract from the District while having a certain prohibited relationship with a Board Member. A prohibited relationship exists if a Board Member:

    1. Has a substantial interest in the vendor or subcontractor hired by the vendor;
    2. Is related to in the second degree by consanguinity or affinity to someone with a substantial interest in the vendor; or
    3. Has received or been promised a gift or in-kind services from the vendor valued at more than $250.

4. Notification of Violations: Board Members shall be notified of reported or known violations, along with potential actions that may result from the violation.

Conflicts of Interest

1. Duty of Loyalty: Board Members owe a duty of loyalty to the District and must avoid any business activities that conflict with the District's interests.

2. Outside Business Interests: Board Members' outside business interests, including passive or active investments, must not adversely affect their duty to the District.

Affidavit for Substantial Interest:

- If a Board Member has a substantial interest in a business entity or real property, they must file an affidavit before voting or deciding on matters involving the business or property. The affidavit must disclose the nature and extent of the interest if:

  (a) For a business entity, the action will have a special economic effect on the business entity, distinguishable from its effect on the public.

  (b) For real property, it is reasonably foreseeable that the action will affect the value of the property in a way that distinguishes it from the effect on the public.

- Filing with District: The affidavit must be filed with the official records administrator of the District, following Board Policy BBFA (Legal), which is available online at BBFA(LEGAL).

Conflicts Disclosure for Vendors:

- Board Members must file a conflicts disclosure statement if a vendor enters into or is under consideration for a contract with the District and the vendor:

  (a) Has a business relationship with the Board Member or their family that results in taxable income exceeding $2,500 during the 12-month period prior to the Board Member becoming aware of the contract.

  (b) Has given a gift (or multiple gifts) valued at over $100 during the 12-month period prior to the Board Member becoming aware of the contract.

  (c) Has a family relationship with the Board Member.

- Exemptions: Gifts accepted as political contributions under the Election Code or food accepted as a guest do not require a conflicts disclosure statement.

- Filing Deadline: Conflicts disclosure statements must be filed with the District's records administrator no later than 5:00 p.m. on the 7th business day after the Board Member becomes aware of the need to file.

- Please See Appendix 8 to review the Local Government Officer Conflicts Disclosure Statement.

Appointment Restrictions

- Appointment of Relatives: A public official may not appoint a person to a position that is directly or indirectly compensated from public funds if:

  (a) The person is related to the public official by consanguinity (blood) within the third degree or by affinity (marriage) within the second degree.

  (b) The public official holds appointment or confirmation authority as a member of a local board and the person is related to another member of the board within the prohibited degree.

XVI. BOARD MEMBERS' COMMUNICATIONS PROCEDURES

Board Communications

- The Board is committed to, and encourages, community input through the use of surveys, public forums, the District website, District publications, and on-going communication-forms.

- The Superintendent and Board Chair shall communicate information in a timely manner to all Trustees.

- Unless otherwise approved or authorized by the Board, individual members cannot speak in an official capacity or otherwise represent the views of the Board. The Board Chair and / or his / her designee shall be the official spokesperson for the Board to the media / press on issues of media attention.

- Any Board member may respond to general, factual inquiries. If the Board member is unsure of the correct facts, they should direct the inquiry to the appropriate administrative staff.

- All Board members who receive phone calls from the media should direct them to the Board's spokesperson (Superintendent) and notify the Board Chair and Superintendent of the call.

- The SEISD Board of Trustees encourages input; however, anonymous calls, letters or emails will not receive the Board's attention, discussion or response. The Superintendent will be made aware of the anonymous calls, letters or emails for informational purposes only.

Superintendent Communications with the Board

- The Board President and Superintendent are expected to maintain regular communication.

- The Superintendent will periodically update all Board Members through the Board information packet and respond to information requests within a reasonable time.

- Information requested by the Board President or any Board Member will be shared with all Board Members.

- Significant updates, such as news releases, will be promptly emailed to Board Members.

Community Engagement Procedures

- The board shall listen and discuss the vision and values of students in accordance to the monitoring calendar.

    - At least two board members shall co-lead each session intended to accomplish this objective. All board members are welcome but the Open Meetings Act shall be followed.

    - A presentation slideshow and a written script approved by the board chair shall be used at every session intended to accomplish this objective.

- The board shall listen and discuss the vision and values of families, staff, and community members, in accordance to the monitoring calendar.

    - At least two board members shall co-lead each session intended to accomplish this objective. All board members are welcome but the Open Meetings Act shall be followed.

    - A presentation slideshow and a written script approved by the board chair shall be used at every session intended to accomplish this objective.

- The board shall host a community meeting to discuss progress toward student outcome goals with low performing campuses at least twice per school year in accordance with the monitoring calendar.

Texas Open Meetings Act Compliance

- To adhere to the Texas Open Meetings Act, Board Members may not communicate with three or more other Board Members to solicit support or opposition on items of business.

Board Member Concerns about Another Board Member's Performance

1. If a Board Member believes that another Board Member has violated the Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law, it is the responsibility of the concerned Board Member to discuss the alleged violation with the other Board Member in private prior to taking any other action, unless the nature of the allegation requires immediate escalation to the Board Chair.

2. If, after the concerned Board Member has privately discussed the alleged violation with the other Board Member, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the concerned Board Member may submit, in writing, the allegation to the Board Chair (arbiter). If the Board Chair is involved in the allegation, the concerned Board Member may instead submit the allegation, in writing, to the Board Vice-Chair or the next most senior Board Member not involved in the allegation who is then obligated to serve as arbiter instead.

    a. The Board Members involved will conference to discuss the alleged violation. All parties are strongly encouraged not to allow any further escalation of these procedures and the arbiter's duty is to work to avoid such escalation.

3. If, after the conference, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the Board Chair will call a special meeting of the Board to discuss the alleged violation. The Board Chair may call upon the District's General Counsel or an external legal advisor to investigate the nature of the allegations. The findings of this investigation will be presented at a special meeting of the Board.

4. If, after the special meeting of the Board to discuss the alleged violation, the Board determines that additional consideration of the alleged violation is warranted, the allegation and the investigative findings will be placed on the next regular meeting agenda.

5. In order for the alleged violation to be considered, one of the following three motions must be made and seconded: a motion to dismiss allegations, a motion to admonish or a motion to censure.

    a. In order to protect the overriding principle of freedom of speech, the Board shall not impose admonition or censure on any of its members for the exercise of their First Amendment rights. In order to ensure the right to a fair jury trial, the Board shall not impose admonition or censure on any of its members for the violation of any law while civil or criminal charges are pending. However, when the civil or criminal proceedings are final, the Board need not be bound by the conclusions of the Court and may again pursue admonition or censure.

    b. A motion to dismiss allegations concludes these procedures and exonerates the accused Board Member. Once a motion to dismiss allegations has passed concerning a given alleged violation, no other motions concerning that alleged violation are in order. A motion to dismiss allegations requires the simple majority vote of the Board to pass.

    c. An admonition is a one-time punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to admonish must be presented in writing and must contain the exact language of the alleged violation and the proposed admonition. A copy of the motion to admonish must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to admonish requires a

majority vote to pass.

d. A censure is an action that is permanent for the period specified by a majority of the Board. A censure serves as a penalty imposed against a board member for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to censure must be presented by another board member in writing and must contain the exact language of the alleged violation, the proposed censure, and the period of censure. A copy of the written request to censure must be provided to the accused Board Member at least seventy-two (72) hours prior to the board meeting during which the censure motion will be considered. A motion to censure requires a majority vote to pass.

Official Representation Outside Board Meetings

- Individual Board Members may not speak on behalf of the Board or represent the Board in meetings or public forums without prior Board authorization.

- Board Members may respond to general, factual inquiries, but should direct uncertain queries to the appropriate staff.

Board Member Responses to Comments and/or Complaints

- Board Members will listen respectfully and remain impartial.

- Board Members will ask if the commentator / complainant has followed the District's procedures and / or chain of command.

- If the commentator / complainant does not know the procedures or chain of command, provide the following information / steps:

    a. The commentator / complainant must first speak with the appropriate staff member. If not satisfied then;

    b. The commentator / complainant must go to the appropriate administrator in charge of the school or department where the comment/concern arose. If not satisfied, then;

    c. The commentator / complainant must contact the appropriate central office administrator. If not satisfied, then;

    d. The commentator / complainant will conference with the Superintendent (or designee).

- The Board Member will inform the Superintendent if an issue has advanced to or beyond Step b and will include the nature of the comment / complaint, the commentator / complainant and to whom the commentator / complainant has been referred.

- The Superintendent will inform the Board Member of the resolution of any referred comment / complaint.

- This procedure shall not be construed to apply to comments / complaints alleging criminal activity.

XVII. PUBLIC COMMENT PROCEDURES

Citizen Participation During Board Meetings

1. Audience Participation: Audience participation at Board meetings is limited to the designated public comment portion of the meeting. At all other times, the audience shall not enter into discussion or debate on matters being considered by the Board unless recognized by the presiding officer.

2. Signing Up for Public Comment: Individuals who wish to speak during the public comment portion must sign up with the presiding officer or designee before the meeting begins. on the day of the meeting. They must indicate the topic they wish to address and provide any other required information.

3. Timing and Duration: Public comments are allowed at the beginning of each Board meeting, with each speaker allocated up to three minutes (five minutes if a translator is required). The presiding officer may adjust these time limits as necessary, but no speaker will be allowed less than one minute.

4. Agenda and Non-Agenda Items: Speakers must indicate the specific agenda item or topic they wish to address. Those who do not specify an agenda item or fail to remain on their identified topic will be given one warning before forfeiting their remaining time.

5. Public Comment Procedures for Regular and Special Meetings: At Regular and Special Meetings, public comment is limited to items on the agenda posted with notice of the meeting except for recognitions by school or community organizations that highlights student or employee awards or accomplishments.

6. Adjustments for Meeting Management: The presiding officer may adjust public comment procedures for effective meeting management, such as reordering agenda items, continuing certain items to a later meeting, or establishing an overall time limit for public comment.

7. Expected Conduct: Speakers are expected to be respectful, courteous, and to demonstrate professionalism, even when expressing differing viewpoints. Disruptive behavior, including but not limited to the use of derogatory language, threatening gestures, or peculiar conduct disrupting the meeting, will result in one warning. Repeated disruptive actions may lead to removal with the assistance of law enforcement if necessary.

8. Disruptive Conduct: The Board shall not tolerate disruption of the meeting by members of the audience. Speakers or others who engage in disruptive behavior shall be ruled out of order by the presiding officer. Disruptive behavior and actions include, but are not limited to:

    (a) Using racial slurs, insulting, profane, threatening, derogatory, or abusive language, making violent or threatening gestures;
    (b) Wearing clothing with derogatory symbols or language;
    (c) Strange, curious, odd, outlandish, peculiar, and irrational conduct that is disruptive to the orderly conduct of a board meeting; and
    (d) Wearing clothing and/or a mask that is intended to, or has the effect of, concealing the identity of the individual. Masks and respirators designed to contain respiratory droplets and breath particles and are worn for health reasons shall be permissible.

9. Prohibition on Electioneering: No electioneering, including the distribution of political materials, will be permitted during the meeting.

10. Signage and Handouts: Signs, placards, or banners are not allowed inside the Board room. Citizens wishing to distribute printed materials to the Board or audience must submit them for review by 5:00 p.m. prior to the meeting to the Superintendent's Office.. Approved materials will be distributed only before or after the public comment portion.

Board Response to Public Comments

1. Listening to Comments: The Board will listen respectfully and remain impartial to public comments. Specific factual information or recitation of existing policy may be furnished in response to inquiries, but the Board may not deliberate or take action on items not posted on the agenda.

2. Referrals for Further Action: The Board President may direct the administration to investigate issues raised and report back.

Handling of Employee/Student Issues in Public Comment

1. Prohibition of Specific Complaints**:** Public comment is not intended for the presentation of allegations of employee or student misconduct, requests for employee or student discipline, personal attacks on individuals, shaming or demeaning individuals associated with the District, or disclosing personal information about district employees or students. Complaints about individual personnel or students are not permitted in open session unless required by law. Personal complaints, requests for disciplinary action, and disclosures of private information are inappropriate for public comment.

2. Referrals to Resolution Channels: If an individual makes a complaint or addresses a concern about an individual employee or student, the presiding officer or designee shall immediately interrupt the speaker to determine whether they have attempted to resolve the matter through established administrative channels. If they have not, the speaker will be referred to the appropriate grievance policy (see partial list below) to seek resolution:

(a) Employee complaints: DGBA
(b) Student or parent complaints: FNG
(c) Public complaints: GF
(d) Sexual harassment complaints (Employees): DIA
(e) Sexual harassment complaints (Students): FFH
(f) Complaints against peace officers: CKEA

XVIII. BOARD COMPOSITION, LENGTH OF TERMS AND ELIGIBILITY

The SEISD Board of Trustees is comprised of 7 members, all positions shall be elected by place and each Board member shall be elected for four-year terms in November.

The election for places 1,2, and 3 shall be held in 2025, 2029, 2032, and in four-year intervals thereafter. The election for places 4, 5, 6, and 7 shall be held in 2027, 2031, 2034, and in four-year intervals thereafter.

Board member eligibility and qualifications requirements are set forth in board policy BBB (Legal).

1. Be a United States citizen.

2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.

3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.

4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.

5. Must not be a registered sex offender.

6. Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

    (a) For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
    (b) For a write-in candidate, the date of the election at which the candidate’s name is written in.
    (c) For an appointee to an office, the date the appointment is made.

7. Be registered to vote in the territory from which the office is elected on the date described at item 5, above.

XIX. BOARD HEARING OF GRIEVANCES AND COMPLAINTS

1. Given the serious and delicate nature of employee grievances, each Board Member is responsible for studying Board Policies DGBA (Legal) & DGBA (Local), the policies relating to the process of employee grievances, found here:

   https://pol.tasb.org/PolicyOnline/PolicyDetails?key=439&code=DGBA#legalTabContent

2. All grievances related materials received by a Board Member must be held in the strictest confidence. A Board Member shall neither share information from that documentation nor what is heard during the actual grievance proceeding. After the grievance proceeding, Board Members must leave all grievance-related documentation with the Superintendent or designee.

3. Board Members may only consider information that is presented during the grievance process; Board Members will not privately seek out information regarding any grievance. If a Board Member knows or learns anything about a grievance case except what is admitted through the grievance documents that might render him/her unable to hear the grievance impartially, then he/she must tell the Superintendent immediately.

4. Any public statements arising from an employee grievance will be made by the Board President.

5. Any Trustee who violates the Board Policy on grievances may be subject to action as outlined in the following Procedure XXII titled "Violation of Board Operating Procedures.

XX. VIOLATION OF BOARD OPERATING PROCEDURES

- Upon inclusion on the agenda and public posting in accordance with the law, the Board may convene in executive session to discuss a violation of these Board Operating Procedures, or other Board policies, so long as the deliberation is confined to the duties, discipline, or complaint against a Board Member.

- The Board Member may request that the deliberation be conducted in open session.

- As a consequence of these deliberations, the Board may elect to do nothing, or may reconvene in open session and vote to:

  (a) Publicly reprimand the Board Member; or
  (b) Recommend additional training for the Board Member.

Note: Nothing provided herein shall be construed to alter, modify, or limit in any way the rights of District personnel and members of the public to file complaints against the Board or Board Members under applicable Board policies.

XXI. ACCESS TO DISTRICT TECHNOLOGY

- Board members may be issued devices or access to District technology resources, including

e-mail accounts, primarily to expedite the performance of their official duties. Limited personal use of District technology is permitted if the use imposes no tangible cost on the District and does not unduly burden the District's technology resources. Any use of District technology resources requires the Board member's acceptance of the District's acceptable use agreement as well as written agreement that the District may monitor the Board member's use.

- Board members will be familiar with, and comply with, all provisions of Board Policy BBI (Local), regarding use of technology, including compliance with requirements to retain certain records contained on either District or personal technology resources.

- Board members will bear in mind that records created using District technology resources may constitute school district records and may be subject to public disclosure under the Texas Public Information Act.

XXII. SEISD BOARD CONFIDENTIALITY AGREEMENT

Given the legal and sensitive nature of closed/executive sessions conducted by the SEISD. Board, the Members of the Board understand that the law requires that all such sessions are strictly confidential. Please refer to Appendix 2 to review and sign the SEISD Board Confidentiality Agreement.

XXIII. BOARD OF TRUSTEES PROFESSIONAL STANDARDS OF CONDUCT

A board member's civility and professionalism are critical attributes that provide for an effective structure of Board governance, which supports the overall success of SEISD ("District"). As such, as an elected member of the District's Board of Trustees ("Board"), I pledge to carry out my duties and conduct myself as follows:

I. In the spirit of maintaining the decorum of meetings and public forums, and as role models for the community, staff and students of the District, I shall refrain from embarrassing or berating other Board Members;

II. I will listen willingly, even when my opinions differ;

III. I will cooperate with my colleagues and resolve disagreements respectfully through the appropriate channels, pursuant to Board policy and established Board Operating Procedures;

IV. I will treat colleagues, District administrators, staff, and members of the community with courtesy, honesty, and respect at all times during Board meetings, individual meetings, conferences, District-sanctioned events, and social events;

V. I will recognize the integrity of my predecessors and colleagues;

VI. I will not use my cellphone to text others to discuss District or personal business during Board meetings in closed and open session;

VII. I will not use my cellphone or any other recording device to record conversations held with District personnel or Board Members during Board meetings in closed session, open session, and individual meetings;

VIII. I will strictly guard confidential information received or discussed during Board meetings that is protected under applicable law or rule;

IX. I will provide support for the Superintendent, employees of the District, and my colleagues so they may perform their proper functions on a professional level;

X. I will express concerns about another member's performance or conduct in accordance with these Board Operating Procedures;

XI. I will give these Professional Standards of Conduct the same level of reverence as the Code of Ethics;

XII. I will comply with all federal, state, and local laws relating to my service as a School Board Member;

XIII. I will comply with all District policies as adopted by the Board;

XIV. I will be guided continuously by what is best for all students of the District;

By pledging to abide to the above-referenced Professional Standards of Conduct, I understand that any act or omission that violates the Professional Standards of Conduct may subject me to sanctions and public censure.

Signed this _____ day of _____ 2024.

_____
[Board Member Printed Name]

_____ _____
[Board Member Signature] Date

XXIV. APPENDIX

Appendix 1: Student Outcome & Goal Progress

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

A Proud Community of Champions – Soaring to Excellence

HB 3 Student Outcome Goals and Goal Progress Measures; 2024-2028
Revised September 9, 2025

MATHEMATICS

Student Outcome Goal 1 (HB 3; 3-year Goal)
The percentage of students taking the Math STAAR test showing growth from previous year to current year will increase from 61% Spring 2025 to ≥ 77% by Spring 2027.

Goal 1 Annual Targets

2024	2025	2026	2027
61% (Released data, TEA 8/2025)	71% (Released data, TEA 8/2025)	74%	77%

Goal Progress Measure (GPM) 1.1 (District; 1-year Goal)

- The Overall Measure of Math Growth for all Pre-K students (English) will increase from 97% at Wave 2 in January of 2025 (MOY) to ≥ 98% in January of 2026 (MOY) as measured by the CIRCLE School Average Growth Report.

- The Overall Measure of Math Growth for all Pre-K students (Spanish) will increase from 91% at Wave 2 in January of 2025 (MOY) to ≥ 93% in January of 2026 (MOY) as measured by the CIRCLE School Average Growth Report.

Goal Progress Measure (GPM) 1.2 (District; 1-year Goal)

- The iReady MOY Math (English/Spanish) assessment will help identify what percent of students are at grade level based on the recommended composite score. K ≥ 362, 1st ≥ 402, 2nd ≥ 428

Goal Progress Measure (GPM) 1.3 (District; 1-year Goal)

- The percentage of Approaches of all 3rd graders which take the Math STAAR Interim Assessment early Spring of 2026 will be at 75%.

READING

Student Outcome Goal 2 (HB 3; 5-year Goal)
The percentage of students taking the Reading Language Arts STAAR test showing growth from previous year to current year will increase from 66% Spring 2025 to ≥ 72% by Spring 2027.

Goal 2 Annual Targets:

2024	2025	2026	2027
66% (Released data, TEA 8/2025)	66% (Released data, TEA 8/2025)	69%	72%

HB 3 Student Outcome Goals and Goal Progress Measures; 2024-2028
Revised September 9, 2025

Goal Progress Measure (GPM) 2.1 (District; 1-year Goal)

- Each of the nine pre-reading skills (English) for all Pre-K students will increase by ≥ 4% from BOY Wave 1 in Sept. of 2025 to MOY Wave 2 in Jan. of 2026 as measured by the CIRCLE School Average Growth Report.

- Each of the eight pre-reading skills (Spanish) for all Pre-K students will increase by ≥ 4% from BOY Wave 1 in Sept. of 2025 to MOY Wave 2 in Jan. of 2026 as measured by the CIRCLE School Average Growth Report.

Goal Progress Measure (GPM) 2.2 (District; 1-year Goal)

- The mClass MOY (DIBELS) reading assessment will help identify what percent of students are at grade level based on the recommended composite score. (English) K ≥ 371, 1st ≥ 389, 2nd ≥ 389

- The mClass MOY (Lectura) reading assessment will help identify what percent of students are at grade level based on the recommended composite score. (Spanish) K ≥ 352, 1st ≥ 390, 2nd ≥ 388

Goal Progress Measure (GPM) 2.3 (District; 1-year Goal)

- The percentage of Approaches of all 3rd graders which take the Reading STAAR Interim Assessment (English) early Spring of 2026 will be ≥70%.

- The percentage of Approaches of all 3rd graders which take the Reading STAAR Interim Assessment (Spanish) early Spring of 2026 will be at ≥68%.

CCMR

Student Outcome Goal 3 (HB 3; 3-year Goal)
SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥ 88% by June 2028 as measured by the A-F Accountability System.

Goal 3 Annual Targets:

2023	2024	2025	2026	2027	2028
30% (Target met! Actual: 50%)	40% (Target met! Actual: 77%)	52%	64%	76%	88%

Goal Progress Measure (GPM) 3.1 (District; 1-year Goal)
The percentage of SEHS seniors earning a CCMR point by meeting any of the CCMR criteria will increase from 52% in May of 2025 to ≥ 64% by May of 2026 as measured by the OnData Suite CCMR Early Warning System.

GPM 3.1 Note: CCMR points in May are always lower than the final A-F result since credits for point-earning courses haven't posted yet.

Appendix 2:

BOARD MEMBER CONFIDENTIALITY AGREEMENT

Given the legal and sensitive nature of closed/executive sessions conducted by the SEISD. Board, the Members of the Board understand that the law requires that all such sessions are strictly confidential.

Therefore, in accordance with the SEISD Board Operating Procedures, no Board Member shall knowingly, intentionally, or recklessly disclose confidential information gained by reason of attendance during a closed/executive session of the SEISD Board or by reason of his or her capacity as a Board Member.

This includes, but is not limited to, information related to: (1) SEISD schoolchildren or their parents, guardians, or family members; (2) real-estate or property transactions or donations involving SEISD; (3) consultations with the Board's attorney with respect to pending or contemplated litigation or settlement offers; (4) the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of an SEISD employee; (5) a grievance, complaint, or charge against an SEISD employee; (6) the deployment or specific occasions for implementation of security personnel or devices; or (7) any other item authorized by law to be considered in closed/executive session.

Further, no Board Member shall use information gained by reason of attendance during a closed/executive session of the SEISD Board or by reason of his or her capacity as a Board Member to advance any personal interest, whether financial, employment-related, or otherwise. No Board Member shall engage in any activity where he or she is expected to disclose confidential information gained by reason of serving on the SEISD Board.

Any breach of this Confidentiality Agreement shall be considered inappropriate behavior and a breach of the Board's code of ethics and shall result in an agenda item specifying "evaluation of individual board member's performance" being listed at an upcoming Board meeting. The Board Member's breach of this Confidentiality Agreement shall be discussed in closed/executive session at said meeting, and the Board may act to sanction the Board Member for his or her breach in accordance with the SEISD Board Operating Procedures.

Additionally, the Board Member acknowledges that, in receiving confidential information, they commit to ensuring the continued confidentiality of such information. The Board Member is aware that, in accordance with Texas Government Code §552.352, disclosing confidential information would constitute official misconduct and be considered a misdemeanor punishable by either a fine of up to $1,000.00, confinement in the county jail for up to six months, or both.
Your signature below indicates that you have read, understand, and agree to abide by this Confidentiality Agreement.

_____
[Board Member Printed Name]

_____ _____
[Board Member Signature] Date

Appendix 3: Board Monitoring Calendar

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

A Proud Community of Champions – Soaring to Excellence

Board Monitoring Calendar
2026-2027

Month	HB 3 or other Progress Monitoring--District	Campus Progress Monitoring + Campus Happenings Video
August 2026	Analysis of STAAR/EOC Results from Spring 2026 Testing • Subgroup data TELPAS Results from Spring 2026 Testing • Subgroup data	
September 2026	Goal 3 (HB 3): • Overall CCMR Percentages for SEHS Campus and District Improvement Plans for 2026-2027	SEHS
October 2026	A-F Accountability Ratings for 2026	
November 2026	Goal 1 (HB 3): • Overall Performance in 3rd Grade STAAR Math • Subgroup data	GEMS
January 2027	Goal 2 (HB 3): • Overall Performance in 3rd Grade STAAR Reading • Subgroup data	
February 2027	GPM 1.1 (HB 3) • PK--Meeting Wave 2 Math Targets • PK--Wave 1 to Wave 2 Math Growth • Subgroup data GPM 1.2 (HB 3): • K-2--Meeting Math Targets for MOY • Subgroup data	
March 2027	GPM 1.3 (HB 3): • Grade 3—Meeting Math Targets based on Interim Assessment • Subgroup data Mid-Year Academic Growth Check-in: • PK-HS reading and math academic Interim Assessment Data	Loya Primary
April 2027	GPM 2.1 (HB 3): • PK--Meeting Wave 2 Reading Targets • PK--Wave 1 to Wave 2 Reading Growth • Subgroup data GPM 2.2 (HB 3): • K-2--Meeting Reading Targets for MOY • Subgroup data	Alarcon Elementary
May 2027	GPM 2.3 (HB 3):	Sambrano Elementary

Revised May 27, 2026

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

A Proud Community of Champions – Soaring to Excellence

Board Monitoring Calendar
2026-2027

Month	HB 3 or other Progress Monitoring--District	Campus Progress Monitoring + Campus Happenings Video
	• Grade 3—Meeting Reading Targets based on Interim Assessment • Subgroup data	
June 2027	GPM 3.1 (HB 3): • Progress towards meeting CCMR criteria for 2027 cohort	Borrego Elementary

Revised May 27, 2026

Appendix 4: Board Member Pledge

As a duly elected or appointed Board Member, I pledge the following to my colleagues and the San Elizario School District:

- I shall attend professional development training and conferences approved and paid for by the school district with public funds;
- I shall be a good steward of public funds and attend most or all training sessions offered; and
- I further pledge as a representative of the school district to conduct myself in a professional and ethical manner at all times during my sponsored travel.

Appendix 5: Ethics and Conflict of Interest Statement

San Elizario I.S.D.
P.O. Box 920
San Elizario, TX 79849
Phone 915.872.3900
Fax 915.872.3903

SAMPLE

MEMORANDUM

To: Members of the Board of Trustees
From: Elizabeth Perez, Chief Financial Officer
Subject: Required Disclosures for the Schools FIRST Report for the 2026-27 Rating
Date: Board Meeting Date

There are two required disclosures for the Schools FIRST report related to 1) gifts to Board Members and Executive Officers and 2) business transactions between the District and Board Members during the year under review. The 2026-27 ratings will be based on data from the school year 2025-26 (the year under review) which includes the period of July 1, 2025, through June 30, 2026. Please enter your response below; if no gifts were received or business transactions conducted, you may indicate N/A. Reimbursement of travel-related expenditures directly related to the duties of a Board Member are also not applicable.

GIFTS

Please list any and all gifts received, as best you can recall, during the period beginning July 1, 2025, through June 30, 2026. Gifts are defined as any and all items given to you and/or your immediate family members from an outside entity having an aggregate value of $100 or more during the fiscal year.

Approximate Date	Item	Approximate Cost/Value
_____	_____	_____

BUSINESS TRANSACTIONS

Please list any business transactions between you and the District that occurred during the period beginning July 1, 2025 through June 30, 2026.

Approximate Date	Item	Approximate Cost/Value
_____	_____	_____

Name: Board of Trustees Signature: _____

San Elizario ISD's vision 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

Appendix 6: BBFA (Legal) and BBFB (Legal)

ETHICS
CONFLICT OF INTEREST DISCLOSURES

BBFA
(LEGAL)

Note: For information regarding conflicts of interest and depository contracts, see BDAE.

See also CBB for conflict of interest requirements when federal funds are involved.

Substantial Interest Affidavit

If a local public official has a substantial interest in a business entity or in real property, the official shall file, before a vote or decision on any matter involving the business entity or the real property, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter if:

1. In the case of a substantial interest in a business entity, the action on the matter will have a special economic effect on the business entity that is distinguishable from the effect on the public; or
2. In the case of a substantial interest in real property, it is reasonably foreseeable that an action on the matter will have a special economic effect on the value of the property, distinguishable from its effect on the public.

The affidavit must be filed with the official recordkeeper of the district.

Local Gov't Code 171.004(a)–(b)

Abstention Exception

If a trustee is required to file and does file an affidavit, that trustee shall not be required to abstain from further participation in the matter or matters requiring such an affidavit if a majority of the trustees are likewise required to file and do file affidavits of similar interests on the same official action. *Local Gov't Code 171.004(c)*

Definitions

Local Public Official

"Local public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), central appraisal district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature. *Local Gov't Code 171.001(1)*

Substantial Interest

Business Entity

A person has a substantial interest in a business entity if:

1. The person owns:
   a. Ten percent or more of the voting stock or shares of the business entity, or
   b. Either ten percent or more or $15,000 or more of the fair market value of the business entity; or

2. Funds received by the person from the business entity exceed ten percent of the person's gross income for the previous year.

Local Gov't Code 171.002(a)

"Business entity" means a sole proprietorship, partnership, firm, corporation, holding company, joint-stock company, receivership, trust, or any other entity recognized by law. *Local Gov't Code 171.001(2)*

Real Property

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of $2,500 or more. *Local Gov't Code 171.002(b)*

First-Degree Relatives

A local public official is considered to have a substantial interest under Local Government Code 171.002 if a person related in the first degree by consanguinity or affinity, as determined under Government Code Chapter 573 [see DBE], has a substantial interest under that section. *Local Gov't Code 171.002(c)*

Separate Vote on Budget

The board shall take a separate vote on any budget item specifically dedicated to a contract with a business entity in which a trustee has a substantial interest. Except as provided at Abstention Exception above, the affected trustee may not participate in that separate vote. The trustee may vote on a final budget if the trustee has complied with Local Government Chapter 171 and the matter in which the trustee is concerned has been resolved. *Local Gov't Code 171.005*

Violations

A local public official commits an offense if the official knowingly:

1. Violates Local Government Code 171.004.
2. Acts as surety for a business entity that has work, business, or a contract with the district.
3. Acts as surety on any official bond required of a trustee.

Local Gov't Code 171.003

Voidable Actions

The finding by a court of a violation of Local Government Code Chapter 171 does not render an action of the board voidable unless the measure that was the subject of an action involving a conflict of interest would not have passed without the vote of the person who violated the chapter. *Local Gov't Code 171.006*

Private Corporation

It shall be lawful for a local public official to serve as a member of the board of directors of private, nonprofit corporations when such officials receive no compensation or other remuneration from the

nonprofit corporation or other nonprofit entity. *Local Gov't Code 171.009*

Conflicts Disclosure Statement

A local government officer shall file a conflicts disclosure statement with respect to a vendor if the vendor enters into a contract with the district or the district is considering entering into a contract with the vendor; and the vendor:

1. Has an employment or other business relationship with the local government officer or a family member of the officer, and the business relationship results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that:
   a. A contract between the district and the vendor has been executed; or
   b. The district is considering entering into a contract with the vendor;
2. Has given to the local government officer or a family member of the officer one or more gifts, and the gift or gifts have an aggregate value of more than $100 in the 12-month period preceding the date the officer becomes aware that:
   a. A contract between the district and the vendor has been executed; or
   b. The district is considering entering into a contract with the vendor; or
3. Has a family relationship with the local government officer.

Gifts—Exception

A local government officer is not required to file a conflicts disclosure statement in relation to a gift accepted by the officer or a family member of the officer if the gift is:

1. A political contribution as defined by Election Code Title 15; or
2. Food accepted as a guest.

Local Gov't Code 176.003(a)–(a-1)

Filing Date

A local government officer shall file the conflicts disclosure statement with the records administrator of the district not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. *Local Gov't Code 176.003(b)*

Vendor Questionnaire

A person who is both a local government officer and a vendor of a district is required to file the required vendor questionnaire only if

the person enters or seeks to enter into a contract with the district or is an agent of a person who enters or seeks to enter into a contract with the district. [See CHE] *Local Gov't Code 176.006(e)*

Definitions

Agent — "Agent" means a third party who undertakes to transact some business or manage some affair for another person by the authority or on account of the other person. The term includes an employee. *Local Gov't Code 176.001(1)*

Business Relationship — "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

1. A transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
2. A transaction conducted at a price and subject to terms available to the public; or
3. A purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

Local Gov't Code 176.001(1-a)

Contract — "Contract" means a written agreement for the sale or purchase of real property, goods, or services. *Local Gov't Code 176.001(1-d)*

Family Member — "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Government Code Chapter 573, Subchapter B. [See DBE] *Local Gov't Code 176.001(2)*

Family Relationship — "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Government Code Chapter 573, Subchapter B. [See DBE] *Local Gov't Code 176.001(2-a)*

Gift — "Gift" means a benefit offered by a person, including food, lodging, transportation, and entertainment accepted as a guest. The term does not include a benefit offered on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient. *Local Gov't Code 176.001(2-b)*

Investment Income — "Investment income" means dividends, capital gains, or interest income generated from:

1. A personal or business checking or savings account, share draft or share account, or other similar account;

2. A personal or business investment; or

3. A personal or business loan.

Local Gov't Code 176.001(2-d)

Local Government Officer

"Local government officer" means a member of the board, the superintendent, or an agent of the district who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. *Local Gov't Code 176.001(4)*

Records Administrator

"Records administrator" means the director, superintendent, or other person responsible for maintaining the records of the district or another person designated by the district to maintain statements and questionnaires filed under Local Government Code Chapter 176 and perform related functions. *Local Gov't Code 176.001(5)*

Vendor

"Vendor" means a person who enters or seeks to enter into a contract with a district. The term includes an agent of a vendor. The term includes an officer or employee of a state agency when that individual is acting in a private capacity to enter into a contract. The term does not include a state agency except for Texas Correctional Industries. *Local Gov't Code 176.001(7)*

Duties of Records Administrator

A records administrator shall:

1. Maintain a list of local government officers of the district and shall make that list available to the public and any vendor who may be required to file a conflict of interest questionnaire under Local Government Code 176.006; and

2. Maintain the statements and questionnaires that are required to be filed under Government Code Chapter 176 in accordance with the district's records retention schedule. [See CPC]

Local Gov't Code 176.0065

Internet Posting

A district that maintains an internet website shall provide access to the statements and to questionnaires required to be filed under Local Government Code Chapter 176 on that website. *Local Gov't Code 176.009*

Violations

A local government officer commits an offense if the officer is required to file a conflicts disclosure statement under Local Government Code 176.003 and knowingly fails to file the required conflicts disclosure statement with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of the statement. It is an exception to the application of this provision that the local government officer filed the required conflicts disclosure statement not later than the seventh business day after

the date the officer received notice from the district of the alleged violation.

A board may reprimand, suspend, or terminate the employment of an employee who knowingly fails to comply with a requirement adopted under Local Government Code 176. [See DF series]

Local Gov't Code 176.013(a), (d), (f)

[See CHE for violations by a vendor.]

Affidavit Disclosing Interest in Property

A public servant who has a legal or equitable interest in property that is to be acquired with public funds shall file an affidavit within ten days before the date on which the property is to be acquired by purchase or condemnation.

The affidavit must be filed with the county clerk of the county in which the public servant resides and the county clerk of each county in which the property is located.

The affidavit must:

1. State the name of the public servant and the public servant's office, public title, or job designation;
2. Fully describe the property;
3. Fully describe the nature, type, and amount of interest in the property, including the percentage of ownership interest;
4. State the date when the person acquired an interest in the property;
5. Include a verification as follows: "I swear that the information in this affidavit is personally known by me to be correct and contains the information required by Section 553.002, Government Code"; and
6. Contain an acknowledgment of the same type required for recording a deed in the deed records of the county.

Gov't Code 553.002

Definition

"Public servant" means a person who is elected, appointed, employed, or designated, even if not yet qualified for or having assumed the duties of office, as:

1. A candidate for nomination or election to public office, or
2. An officer of government.

Gov't Code 553.001

Violations

A person commits an offense if the person violates Government Code 553.002 and the person has actual notice of the acquisition or intended acquisition of the legal or equitable interest in the property. A person who violates Government Code 553.002 by not filing the required affidavit is presumed to have the intent to commit an offense. *Gov't Code 553.003*

Trustee Financial Statement

The board by resolution adopted by majority vote may require each member of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B with the board and the Texas Ethics Commission.

Not later than the 15th day after the date a board adopts this resolution, the board shall deliver a certified copy of the resolution to the Texas Ethics Commission. A resolution applies beginning on January 1 of the second year following the year in which the resolution is adopted. A member of a board that has adopted a resolution is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the resolution is adopted.

The commissioner by order shall require the members of the board to file the financial statement required of state officers under Government Code Chapter 572, Subchapter B in the same manner as the members of a board that have adopted a resolution if the commissioner determines that:

1. A board member has failed to comply with filing and recusal requirements applicable to the member under Local Government Code Chapter 171;
2. The district financial accounting practices are not adequate to safeguard state and district funds; or
3. The district has not met a standard set by the commissioner in the financial accountability rating system.

The commissioner may require filing financial statements covering not more than three fiscal years and beginning on January 1 of the second year following the date of the commissioner's order. A member of a board subject to an order issued by the commissioner is not required to include, in a financial disclosure statement, financial activity occurring before January 1 of the year following the year in which the order is issued. The commissioner may renew the requirement if the commissioner determines that a condition described above continues to exist.

Government Code Chapter 572, Subchapter B applies to a trustee subject to these provisions as if the trustee were a state officer, and

governs the contents, timeliness of filing, and public inspection of a statement filed under these provisions.

Violations

A trustee serving in a district that has adopted a resolution or that is subject to an order issued by the commissioner commits an offense if the trustee fails to file the statement required by the resolution or order.

Education Code 11.064

Prohibited Activities by Public Servants—State Law

"Public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for office or assumed his or her duties:

1. An officer, employee, or agent of government; or
2. A candidate for nomination or election to public office.

Penal Code 1.07(a)(41)(A), (E)

Bribery

A person commits an offense if the person intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another, any benefit:

1. As consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant or voter;
2. As consideration for a violation of a duty imposed by law on a public servant; or
3. That is a political contribution as defined by Election Code Title 15 or an expenditure made and reported in accordance with Government Code Chapter 305 (regarding registration of lobbyists), if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion, if such exercise of official discretion would not have been taken or withheld but for the benefit.

"Benefit" means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

Penal Code 36.01(3), .02

Illegal Gifts

A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if the public servant solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of the public servant's discretion. *Penal Code 36.08(d)*

A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under the provision above may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes. *Penal Code 36.08(d), (i)*

Exceptions

Illegal Gifts does not apply to:

1. A fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which the public servant gives legitimate consideration in a capacity other than as a public servant;
2. A gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient;
3. A benefit to a public servant required to file a statement under Government Code Chapter 572, or a report under Election Code Title 15, that is derived from a function in honor or appreciation of the recipient if:
   a. The benefit and the source of any benefit in excess of $50 is reported in the statement; and
   b. The benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are nonreimbursable by the state or political subdivision;
4. A political contribution as defined by Election Code Title 15;
5. An item with a value of less than $50, excluding cash or a negotiable instrument as described by Business and Commerce Code 3.104;
6. An item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity; or
7. Food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

Penal Code 36.10

Honoraria and Expenses

A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the person's official position or duties. This provision does not prohibit a public servant from accepting transportation and lodging expenses or meals in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent those services are more than merely perfunctory. *Penal Code 36.07*

Abuse of Official Capacity

A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, intentionally or knowingly violates a law relating to the office or employment, or misuses government property, services, personnel, or any other thing of value, belonging to the government that has come into the public servant's custody by virtue of the person's office or employment. *Penal Code 39.02(a)*

"Law relating to a public servant's office or employment" means a law that specifically applies to a person acting in the capacity of a public servant and that directly or indirectly imposes a duty on the public servant or governs the conduct of the public servant. *Penal Code 39.01(1)*

"Misuse" means to deal with property contrary to:

1. An agreement under which the public servant holds the property;
2. A contract of employment or oath of office of a public servant;
3. A law, including provisions of the General Appropriations Act specifically relating to government property, that prescribes the manner of custody or disposition of the property; or
4. A limited purpose for which the property is delivered or received.

Penal Code 39.01(2)

Official Oppression

A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment.

A public servant acts under color of the public servant's office or employment if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

Penal Code 39.03(a)(3), (b), (c)

Misuse of Official Information

A public servant commits an offense if, in reliance on information to which the public servant has access by virtue of the person's office or employment and that has not been made public, the person:

1. Acquires or aids another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;

2. Speculates or aids another to speculate on the basis of the information; or

3. As a public servant, including as a school administrator, coerces another into suppressing or failing to report that information to a law enforcement agency.

A public servant commits an offense if with intent to obtain a benefit or with intent to harm or defraud another, the public servant discloses or uses information for a nongovernmental purpose that:

1. The person has access to by means of the person's office or employment; and

2. Has not been made public.

"Information that has not been made public" means any information to which the public does not generally have access, and that is prohibited from disclosure under Government Code Chapter 552 (the Public Information Act).

Penal Code 39.06(a), (b), (d)

Nepotism

Except as provided by law, a public official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if:

1. The individual is related to the public official within the third degree by consanguinity (blood) or within the second degree by affinity (marriage); or

2. The public official holds the appointment or confirmation authority as a member of a local board and the individual is related to another member of the board within a prohibited degree.

Gov't Code 573.002, .041 [See DBE]

"Public official" means:

1. An officer of this state or of a district, county, municipality, precinct, school district, or other political subdivision of this state; or

2. An officer or member of a board of this state or of a district, county, municipality, school district, or other political subdivision of this state.

Gov't Code 573.001(3)

The nepotism law governs the hiring of an individual, whether the individual is hired as an employee or an independent contractor. *Atty. Gen. Op. DM-76 (1992)*

A public official may not approve an account or draw or authorize the drawing of a warrant or order to pay the compensation of an ineligible individual if the official knows the individual is ineligible. *Gov't Code 573.083*

Counties with Population 35,000 or More

If, under the district's employment policy [see DC], the board delegates to a superintendent the final authority to select district personnel:

1. The superintendent is a public official for the purposes of the nepotism prohibitions of Government Code Chapter 573 only with respect to a decision made under that delegation of authority; and

2. Each member of the board remains subject to the nepotism prohibitions with respect to all district employees.

For purposes of this provision, a person hired by a district before September 1, 2007, is considered to have been in continuous employment [see DBE] and is not prohibited from continuing employment with the district subject to the abstention requirements.

Education Code 11.1513(f), (h)

Counties with Population Less Than 35,000

The provisions at Counties with Population 35,000 or More do not apply to a district that is located:

1. Wholly in a county with a population of less than 35,000; or

2. In more than one county, if the county in which the largest portion of district territory is located has a population of less than 35,000.

Education Code 11.1513(g)

A member of a board that has delegated to the superintendent final authority for personnel selection is not a public official with appointment authority for purposes of the nepotism prohibitions of Government Code 573.041. *Atty. Gen. Op. GA-123 (2003)*

With respect to renewed contracts, however, board members may be the relevant public officials for nepotism purposes. *Atty. Gen. Op. GA-177 (2004)*

Former Board Member Employment

A trustee of a district may not accept employment with the district until the first anniversary of the date the trustee's membership on the board ends. *Education Code 11.063*

Incompatibility of Office

The common law rule of incompatibility prohibits one person from holding two offices if the duties are in conflict or if one is subordinate to the other. Offices are legally incompatible when the faithful and independent exercise of one would necessarily interfere with the faithful and independent exercise of the other. *Thomas v. Abernathy County Line Indep. Sch. Dist., 290 S.W. 152 (Tex. Comm. App. 1927); Turner v. Trinity Indep. Sch. Dist., 700 S.W.2d 1 (Tex. Ct. App. 1983); Atty. Gen. Op. JM-634 (1987), MW-450 (1982)*

Instructional Materials Violations

Rebates

Gifts

A trustee commits an offense if the trustee receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the trustee is associated.

A trustee commits an offense if the trustee accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence a trustee in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include staff development, in-service, or teacher training; or ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

Free Materials

A person commits an offense if the person knowingly violates any law providing for the purchase or distribution of free instructional materials for the public schools. *Education Code 31.153*

Prohibited Activities by Public Servants—Federal Law

Bribery—General

"Public official" includes a person acting for or on behalf of the United States, or any department, agency, or branch thereof, in any official function, under or by authority of any such department, agency, or branch of government. The term includes any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed. *18 U.S.C. 201(a); Dixson v. U.S., 465 U.S. 482, 499 (1984) ("To be a public official under section 201(a), an individual*

must possess some degree of official responsibility for carrying out a federal program or policy."); U.S. v. Franco, 632 F.3d 880 (5th Cir. 2011)

A public official commits an offense if the public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

1. Being influenced in the performance of any official act;
2. Being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or
3. Being induced to do or omit to do any act in violation of the official duty of such official or person.

18 U.S.C. 201(b)(2)

Bribery—Federal Programs

"Agent" means a person authorized to act on behalf of another person or a government and, in the case of a government, includes a servant or employee, and a partner, director, officer, manager, and representative.

"Government agency" means a subdivision of the executive, legislative, judicial, or other branch of government, including a department, independent establishment, commission, administration, authority, board, and bureau, and a corporation or other legal entity established, and subject to control, by a government or governments for the execution of a governmental or intergovernmental program.

If a district receives, in any one year period, benefits in excess of $10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, or other form of federal assistance, an agent of the district commits an offense if the agent:

1. Embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that:
   a. Is valued at $5,000 or more, and
   b. Is owned by, or is under the care, custody, or control of the district; or
2. Corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with

any business, transaction, or series of transactions of the district involving anything of value of $5,000 or more.

This provision does not apply to bona fide salary, wages, fees, or other compensation paid, or expenses paid or reimbursed, in the usual course of business.

18 U.S.C. 666

Appendix 7: TASB, Effective Board Practices: An Inventory for School Boards



1. A vision statement is in place for the district.

1.1	The vision statement meets the criteria for a well-developed vision statement listed in the supporting materials.	Yes ☐	No ☐	Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a.	Your vision statement is written.	Yes ☐	No ☐	Unsure ☐
b.	It lists or describes desired qualities for at least each of the following: students of the district, the community, and the schools in the district.	Yes ☐	No ☐	Unsure ☐
c.	Staff and community input was solicited in some fashion and was considered.	Yes ☐	No ☐	Unsure ☐
d.	All current members of the board and the superintendent have agreed, in a formal adoption or readoption by the board, to be guided by the vision.	Yes ☐	No ☐	Unsure ☐

	Yes	No	Unsure
1.2 The board reviews and readopts the vision through formal board action.	☐	☐	☐
You can check "Yes" for the above item if you check "Yes" to all the criteria below:			
a. The board has formally adopted or readopted its vision statement within the last five years.	☐	☐	☐
b. The board's annual calendar of activities or another written document clearly specifies when the vision statement will next be considered for review.	☐	☐	☐
1.3 The vision is disseminated throughout the district.	☐	☐	☐
You can check "Yes" for the above item if you check "Yes" to all the criteria below:			
a. The vision statement is clearly posted in the board meeting room or copies are available at each meeting.	☐	☐	☐
b. The vision statement is available on all campuses and all staff members have been informed about it.	☐	☐	☐

2. A comprehensive statement of goals for the district is in place.

	Yes	No	Unsure
2.1 The board adopts or reaffirms a comprehensive list of district goals each year through formal board action.	☐	☐	☐
You can check "Yes" for the above item if you check "Yes" to all the criteria below:			
a. The board formally adopted or reaffirmed a list of goals within the past 12 months.	☐	☐	☐
b. Workshop documents from the goal-setting process indicate the board considered a broad range of district issues and student achievement measures before limiting the goals to those included in its list.	☐	☐	☐
c. Each member of the board can state in general terms the substantive content of current goals.	☐	☐	☐
d. The board can point to specific, written criteria that will be used to assess whether the district is succeeding in reaching its goals.	☐	☐	☐

2.2 Mechanisms for disseminating the goals for the district are clearly identified and in writing. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Current goals are either posted in the board room or made available to the audience at board meetings. Yes ☐ No ☐ Unsure ☐

b. The goals are available on all campuses and the district Web site, and all staff members have been informed about them. Yes ☐ No ☐ Unsure ☐

2.3 The board is familiar with administration's written plans for accomplishing the goals. The plans include time lines for implementation, specific mechanisms for assessing the effectiveness of the plans, and specific times for reporting to the board on progress. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board has looked at copies of, or been formally briefed about, the administration's plans for accomplishing the current district goals. Yes ☐ No ☐ Unsure ☐

b. The written plans state what results the board will see after implementation and include time lines for implementation, procedures for assessing effectiveness, and a schedule for progress reports to the board. Yes ☐ No ☐ Unsure ☐

3. Board actions reinforce the central importance of the goals to the work of the district.

3.1 Deliberation on major items before the board routinely includes a discussion of the recommended action's impact on meeting district goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials routinely summarize the impact agenda items will have on the achievement of current goals. Yes ☐ No ☐ Unsure ☐

b. Board deliberations routinely include an acknowledgement of whether the given agenda item directly or indirectly supports a district goal. Yes ☐ No ☐ Unsure ☐

3.2 The board's superintendent evaluation instrument and process focus first and foremost on the superintendent's success in addressing the board-adopted goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board formally adopts written priority performance goals for the superintendent at the beginning of the evaluation cycle. Yes ☐ No ☐ Unsure ☐

b. The majority of the priority performance goals for the superintendent are clearly derived from current or former district goals. Yes ☐ No ☐ Unsure ☐

c. The board's regularly scheduled formative and summative evaluation conferences begin with reports by the superintendent on actions taken in support of the priority performance goals or with summaries of reports provided earlier. Yes ☐ No ☐ Unsure ☐

3.3 The board's budget review process specifically identifies how goals are funded in the proposed budget, whether funding is adequate, and whether funding priorities are consistent with board-adopted goals. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate that the board annually discusses budget priorities with the superintendent in advance of the superintendent's budget preparation. Yes ☐ No ☐ Unsure ☐

b. Budget review materials used in adopting the current district budget clearly identify the funding associated with each district goal. Yes ☐ No ☐ Unsure ☐

4. The board monitors plan implementation and district success in a formal, scheduled manner.

4.1 Time lines in the plans for reporting to the board are incorporated into the board's annual activity calendar and included on appropriate monthly agendas. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agendas or minutes from the past 12 months indicate the board received and formally discussed at least one report of progress on district goals. Yes ☐ No ☐ Unsure ☐

b. The board's calendar for the coming year lists the months in which reports on goal implementation will be provided. Yes ☐ No ☐ Unsure ☐

Oversight of Management

5. Goals, performance standards, and/or benchmarks have been established for major aspects of district operations.

5.1 The board receives information annually from the superintendent on the goals, standards, or benchmarks the administration uses to assess effectiveness for the major areas of district operations. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes from the past 12 months indicate the board and superintendent formally discussed goals, standards, or benchmarks the superintendent uses in assessing operational effectiveness in major areas. Yes ☐ No ☐ Unsure ☐

b. The board can point to a document or documents outlining the measures used by the administration to assess success in at least three major areas of district operations. Yes ☐ No ☐ Unsure ☐

5.2 The board receives regular, scheduled updates on operations effectiveness as measured against standards or benchmarks. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate that the board received a report on operations success relative to established standards or benchmarks within the last 12 months. Yes ☐ No ☐ Unsure ☐

6. The board is familiar with the broad outlines of the systems the superintendent has put in place to manage district operations.

6.1 The board and superintendent have a schedule for periodic updates on major management systems in the district, including presentations on how benchmark data is used to plan improvements. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board received a briefing on at least one major management system within the past 12 months. Yes ☐ No ☐ Unsure ☐

b. The board can point to a document with a schedule for briefings on major management systems. Yes ☐ No ☐ Unsure ☐

7.2 The board has adopted and annually reaffirms an ethics statement or code of conduct for board members.	Yes ☐	No ☐	Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board can point to a code of conduct or ethics statement that has been formally adopted by the board.	Yes ☐	No ☐	Unsure ☐
b. Board agenda materials or minutes indicate the statement has been affirmed by all current members of the board, or the board's calendar of activities includes reaffirmation of the ethics statement or code of conduct as an agenda item within the next six months.	Yes ☐	No ☐	Unsure ☐

8. Written operating procedures for the board and superintendent are in place.

8.1 A written annual calendar of board events, outlining major board activities by month, is in place.	Yes ☐	No ☐	Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. All members of the board have copies of a written, 12-month calendar on which major board responsibilities have been scheduled.	Yes ☐	No ☐	Unsure ☐
b. At least 75 percent of the board tasks on the calendar for the past 12 months were performed in the months scheduled or were rescheduled on the calendar for another specific time.	Yes ☐	No ☐	Unsure ☐

8.2 Operating procedures are codified in a written board-superintendent procedures document; new board members are oriented to operating procedures within the first 60 days of service.	Yes ☐	No ☐	Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board can point to written board operating procedures.	Yes ☐	No ☐	Unsure ☐
b. The operating procedures are stated in terms of observable actions: what the board, trustee, or superintendent is actually expected to do or not do.	Yes ☐	No ☐	Unsure ☐
c. Any members who have joined the board-superintendent team within the last 12 months have copies of all written board operating procedures.	Yes ☐	No ☐	Unsure ☐

8.3 An annual review of operating procedures is included on the board activity calendar. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials, minutes, or other documents indicate the board and superintendent have formally discussed operating procedures within the past 12 months. Yes ☐ No ☐ Unsure ☐

b. The review of operating procedures usually occurs in the same month each year. Yes ☐ No ☐ Unsure ☐

Advocacy

9. The board is an active advocate for the district within the community.

9.1 The board has an active plan for its generating support for the district, its vision, and its goals with patrons, the business community, and other organizations in the area. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The plan is written and reviewed each year. Yes ☐ No ☐ Unsure ☐

b. The plan lists activities the board members themselves or the board as a whole will do to generate support and partnerships within the community. Yes ☐ No ☐ Unsure ☐

9.2 The board reviews board and board member success in generating support for the district annually. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board's activity calendar includes a month in which this review takes place. Yes ☐ No ☐ Unsure ☐

b. Agenda materials, workshop materials, or minutes from the last 12 months indicate that board discussed the success of its plan and its efforts. Yes ☐ No ☐ Unsure ☐

10. The board is an active advocate for the district with other elected officials.

10.1 The board has an active plan for advocating for the district's interest with legislators and other elected public officials. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The plan is written and reviewed at least every two years. Yes ☐ No ☐ Unsure ☐

b. The plan lists activities the board members themselves or the board as a whole will do to support the district's interest before legislators and other elected public officials. Yes ☐ No ☐ Unsure ☐

10.2 Every two years, the board reviews board and board member success in advocating for the district with legislators and other elected officials. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. The board's activity calendar includes a month in which this review takes place. Yes ☐ No ☐ Unsure ☐

b. Agenda materials, workshop materials, or minutes from the last 24 months indicate that board discussed the success of its plan and its efforts. Yes ☐ No ☐ Unsure ☐

6.2 The board's evaluation of the superintendent's performance as a manager focuses on the superintendent's establishing appropriate measures and standards of performance for major district operations, monitoring success, and using data for improvement. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Items on the board's evaluation instrument that assess management skills focus on whether appropriate performance standards are in place for major areas of district operations, whether the standards are being monitored, and whether they are being met. Yes ☐ No ☐ Unsure ☐

Board-Superintendent Team Operations

7. The board and superintendent team regularly checks expectations and assesses board-superintendent operations.

7.1 The board and superintendent participate in an annual team-building activity. Yes ☐ No ☐ Unsure ☐

You can check "Yes" for the above item if you check "Yes" to all the criteria below:

a. Board agenda materials or minutes indicate the board and superintendent participated together in a team-building session or self-assessment discussion during the past 12 months. Yes ☐ No ☐ Unsure ☐

b. Written documents or reports from the team-building session indicate the session included review of actual board practices and behaviors and resulted in agreements about future operations. Yes ☐ No ☐ Unsure ☐

c. Board agenda materials, board minutes, or documents related to the most recent team-building session indicate the board formally discussed continuing education needs as a part of its team-building activity. Yes ☐ No ☐ Unsure ☐

d. The board can point to written plans for continuing education for its members that include, at a minimum, the topics to be addressed. Yes ☐ No ☐ Unsure ☐

Appendix 8: Local Government Officer Conflicts Disclosure Statement

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT **FORM CIS**

(Instructions for completing and filing this form are provided on the next page.)

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This is the notice to the appropriate local governmental entity that the following local government officer has become aware of facts that require the officer to file this statement in accordance with Chapter 176, Local Government Code.

OFFICE USE ONLY

Date Received

1 **Name of Local Government Officer**

2 **Office Held**

3 **Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code**

4 **Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3.**

5 **List gifts accepted by the local government officer and any family member, if aggregate value of the gifts accepted from vendor named in item 3 exceeds $100 during the 12-month period described by Section 176.003(a)(2)(B).**

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

Date Gift Accepted _____ Description of Gift _____

(attach additional forms as necessary)

6 **SIGNATURE** I swear under penalty of perjury that the above statement is true and correct. I acknowledge that the disclosure applies to each family member (as defined by Section 176.001(2), Local Government Code) of this local government officer. I also acknowledge that this statement covers the 12-month period described by Section 176.003(a)(2)(B), Local Government Code.

_____
Signature of Local Government Officer

Please complete either option below:

(1) Affidavit

NOTARY STAMP / SEAL

Sworn to and subscribed before me by _____ this the _____ day of _____, 20 _____, to certify which, witness my hand and seal of office.

_____
Signature of officer administering oath | Printed name of officer administering oath | Title of officer administering oath

OR

(2) Unsworn Declaration

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

Executed in _____ County, State of _____, on the _____ day of _____ (month), 20_____ (year).

_____
Signature of Local Government Officer (Declarant)

Form provided by Texas Ethics Commission www.ethics.state.tx.us Revised 8/17/2020

LOCAL GOVERNMENT OFFICER CONFLICTS DISCLOSURE STATEMENT

Section 176.003 of the Local Government Code requires certain local government officers to file this form. A "local government officer" is defined as a member of the governing body of a local governmental entity; a director, superintendent, administrator, president, or other person designated as the executive officer of a local governmental entity; or an agent of a local governmental entity who exercises discretion in the planning, recommending, selecting, or contracting of a vendor. This form is required to be filed with the records administrator of the local governmental entity not later than 5 p.m. on the seventh business day after the date on which the officer becomes aware of the facts that require the filing of this statement.

A local government officer commits an offense if the officer knowingly violates Section 176.003, Local Government Code. An offense under this section is a misdemeanor.

Refer to chapter 176 of the Local Government Code for detailed information regarding the requirement to file this form.

INSTRUCTIONS FOR COMPLETING THIS FORM

The following numbers correspond to the numbered boxes on the other side.

1. Name of Local Government Officer. Enter the name of the local government officer filing this statement.

2. Office Held. Enter the name of the office held by the local government officer filing this statement.

3. Name of vendor described by Sections 176.001(7) and 176.003(a), Local Government Code. Enter the name of the vendor described by Section 176.001(7), Local Government Code, if the vendor: a) has an employment or other business relationship with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code; b) has given to the local government officer or a family member of the officer one or more gifts as described by Section 176.003(a)(2)(B), Local Government Code; or c) has a family relationship with the local government officer as defined by Section 176.001(2-a), Local Government Code.

4. Description of the nature and extent of each employment or other business relationship and each family relationship with vendor named in item 3. Describe the nature and extent of the employment or other business relationship the vendor has with the local government officer or a family member of the officer as described by Section 176.003(a)(2)(A), Local Government Code, and each family relationship the vendor has with the local government officer as defined by Section 176.001(2-a), Local Government Code.

5. List gifts accepted, if the aggregate value of the gifts accepted from vendor named in item 3 exceeds $100. List gifts accepted during the 12-month period (described by Section 176.003(a)(2)(B), Local Government Code) by the local government officer or family member of the officer from the vendor named in item 3 that in the aggregate exceed $100 in value.

6. Signature. Signature of local government officer. Complete this section after you finish the rest of this report. You have the option to either: (1) take the completed form to a notary public where you will sign above the first line that says "Signature of Local Government Officer" (an electronic signature is not acceptable) and your signature will be notarized, or (2) sign above both lines that say "Signature of Local Government Officer (Declarant)" (an electronic signature is not acceptable), and fill out the unsworn declaration section.

Local Government Code § 176.001(2-a): "Family relationship" means a relationship between a person and another person within the third degree by consanguinity or the second degree by affinity, as those terms are defined by Subchapter B, Chapter 573, Government Code.

Local Government Code § 176.003(a)(2)(A):

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

***

(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds $2,500 during the 12-month period preceding the date that the officer becomes aware that:

(i) a contract between the local governmental entity and vendor has been executed; or

(ii) the local governmental entity is considering entering into a contract with the vendor.

Budget Workshop

June 10, 2026

Agenda

- 2026-2027 Budget Development
  - Additional Budget Requests
  - Potential Savings
- Compensation Budget Impacts
  - Attendance Clerk
  - SPED Aide
  - Interim pay
- TRS Health Care Updates/Recommendation
- Administrative Recommendations
  - Attendance Clerk
  - DAEP Aide
  - TRS District Contributions

Child Nutrition Services - CNS

2026-2027 CNS Estimated Budget Summary

Before Additional Requests

SAN ELIZARIO ISD CHILD NUTRITION FUND

2026-2027 Proposed Budget Summary

2026-2027	Revised Budget	Proposed Budget	Change
Revenues	**2025-2026**	**2026-2027**	
Local Sources	150,000	145,000	(5,000)
State Funding	15,000	15,000	-
Federal Revenue (School Meal Program Reimbursement)	3,310,000	3,210,700	(99,300)
Estimated Revenues	*3,475,000*	*3,370,700*	*(104,300)*
Expenditures	**2025-2026**	**2025-2026**	
Payroll	$1,176,331	$1,418,956	$242,625
Food	$1,576,647	$1,609,331	$32,684
Non Food	$498,354	$465,669	-$32,685
Estimated Expenditures	*3,251,332*	*3,493,956*	*242,624*
Increase (Decrease) in Fund Balance	$223,668	-$123,256	-$346,924
Beginning Fund Balance	*1,030,792*	*1,254,460*	*223,668*
Estimated End-of-Year Fund Balance	$1,254,460	$1,131,204	-$123,256
Average Monthly Expenditures	270,944	291,163	
# Months Operating of Unassigned Fund Balance	*5*	*4*	

Estimates as of 5/29/2026

2026-2027 CNS Additional Budget Requests

Campus/ Department	Funding Source	Amount	Subject of Request	Justification
CNS	101	51,129	CNS Maintenance Repair Staff	Provide preventive maintanance to food service equipment. Ms. Reyes is working with HR since the position does not exist.
Subtotal		**51,129**		
Sambrano	101	6,731	Ice Machine at Sambrano	Continuous work orders/service calls to fix
CNS	101	43,000	Mini Van	Van for courier daily needs
Alarcon	101	7,900	Replace Shelving for Freezer	To prevent losing points with the health department
SEHS	101	4,380	Student trays for SEHS	Old trays don't get cleaned with current dishwasher to cut down on paper supplies
Subtotal		**62,011**		
Grand Total		**113,140**		

2026-2027 CNS Estimated Budget Summary

After Additional Requests

SAN ELIZARIO ISD CHILD NUTRITION FUND 2026-2027 Proposed Budget Summary			
2026-2027	Revised Budget	Proposed Budget	Change
Revenues	**2025-2026**	**2026-2027**	
Local Sources	150,000	145,000	(5,000)
State Funding	15,000	15,000	-
Federal Revenue (School Meal Program Reimbursement)	3,310,000	3,210,700	(99,300)
Estimated Revenues	*3,475,000*	*3,370,700*	*(104,300)*
Expenditures	**2025-2026**	**2025-2026**	
Payroll	$1,176,331	$1,470,085	$293,754
Food	$1,576,647	$1,609,331	$32,684
Non Food	$498,354	$527,680	$29,326
Estimated Expenditures	*3,251,332*	*3,607,096*	*355,764*
Increase (Decrease) in Fund Balance	$223,668	-$236,396	-$460,064
Beginning Fund Balance	*1,030,792*	*1,254,460*	*223,668*
Estimated End-of-Year Fund Balance	$1,254,460	$1,018,064	-$236,396
Average Monthly Expenditures	270,944	300,591	
# Months Operating of Unassigned Fund Balance	*5*	*3*	

Estimates as of 5/29/2026

2026-2027 Budget Development Update

2026-2027 Budget Development

Revenue Estimates

SAN ELIZARIO ISD GENERAL OPERATING FUND 2026-2027 Preliminary Budget Summary				
	Revised Budget	*Projected Actuals*	*Projected Budget*	*Change from Projected Actuals*
Revenues	2025-2026	2025-2026	2026-2027	
Tax Collections	2,241,145	2,161,963	2,327,501	165,538
State Funding	29,300,958	30,783,189	29,442,528	(1,340,661)
Other Local Revenue	852,001	593,765	513,750	(80,015)
Other State Funding TRS On Behalf	1,930,800	1,925,800	1,925,800	-
Federal Revenue (SHARS \ Medicaid) & E-Rate	4,305,000	3,234,980	2,670,000	(564,980)
Other Resources	-	-		-
Estimated Revenues	38,629,904	38,699,697	36,879,579	(1,820,118)

2026-2027 Budget Development

Expenditure Estimates

SAN ELIZARIO ISD GENERAL OPERATING FUND 2026-2027 Preliminary Budget Summary				
	Revised Budget	*Projected Actuals*	*Projected Budget*	*Change from Projected Actuals*
Expenditures	**2025-2026**	**2025-2026**	**2026-2027**	
Payroll	32,908,766	32,212,086	36,127,163	3,915,077
Total Payroll Expense	32,908,766	32,212,086	36,127,163	3,915,077
Campus Based Allocations	1,019,366	830,171	4,062,004	3,231,833
Department Based Allocations	7,558,071	7,722,918	3,705,079	(4,017,839)
Total Non Payroll Expense	8,577,437	8,553,089	7,767,083	(786,006)
Estimated Expenditures	**41,486,203**	**40,765,175**	**43,894,246**	**3,129,071**

2026-2027 Budget Development

Budget Summary

SAN ELIZARIO ISD GENERAL OPERATING FUND 2026-2027 Preliminary Budget Summary				
	Revised Budget	*Projected Actuals*	*Projected Budget*	*Change from Projected Actuals*
	2025-2026	2025-2026	2026-2027	
Estimated Revenues	38,629,904	38,699,697	36,879,579	(1,820,118)
Estimated Expenditures	41,486,203	40,765,175	43,894,246	3,129,071
Beginning Fund Balance	$ 14,185,974	$ 14,185,974	$ 12,120,496	$ (2,065,478)
Inc/Dec in Fund Balance	***$ (2,856,299)***	***$ (2,065,478)***	***$ (7,014,667)***	***$ (4,949,189)***
Estimated End-of-Year Fund Balance	11,329,675	12,120,496	5,105,829	(7,014,667)
Estimated Non-spendable	(226,479)	(226,479)	(226,479)	-
Restricted/Committed	(2,051,651)	(2,051,651)	(2,051,651)	-
Estimated Unassigned Fund Balance	9,051,545	9,842,366	2,827,699	(7,014,667)
% Operating of Unassigned Fund Balance	21.82%	24.14%	6.44%	-17.70%
Average Monthly Expenditures	*3,457,184*	*3,397,098*	*3,657,854*	*260,756*
# Months Operating of Unassigned Fund Balance	2.62	2.90	0.77	(2.12)

Additional Budget Requests

2026-2027 Additional Budget Requests

Campus/ Department	Funding Source	Amount	Subject of Request	Justification
SEHS	199	571	4 Additional days for attendance clerk	To complete reports at year end. HR provided update 5/27/26
Subtotal		**571**		
SEHS	199	3,206	Aide-DAEP	raise level like SPED Aides; HR 5/27/26
Subtotal		**3,206**		
SEHS	199	85,025	SLC Teacher for secondary	The unit is currently at Sambrano and Borrego. Once they go to secondary they are not provided with the same environment they are accustomed to in elementary. SLC students are typically placed in the life skills unit or ASC both which are different from elementary. SLC is specific to students with Autism and is structured such as opposed to life skills or ASC.
SEHS	199	37,382	SPED Aide	The unit is currently at Sambrano and Borrego. Once they go to secondary they are not provided with the same environment they are accustomed to in elementary. SLC students are typically placed in the life skills unit or ASC both which are different from elementary. SLC is specific to students with Autism and is structured such as opposed to life skills or ASC.
Subtotal		**122,407**		
Grand Total		**126,184**		

2026-2027 Additional Budget Requests

Campus/ Department	Funding Source	Amount	Subject of Request	Justification
IT	199	16,485	Frontline Health Management Software	Need it to comply TX Health Commission
Subtotal		**16,485**		
PEIMS	199	250	Region 19 TSDS Coop-MOU	TSDS Support Cooperative is designed to provide support w/the TSDS initiative by TEA
PEIMS	199	500	OnDataSuite-Annual licensing fee-Quote	Annual licensing fee is based on total student enrollment; annual rate district's w/enrollment 1,000-10,000; SEISD enrollment: 2,781
Subtotal		**750**		
Transportation	199	13,655	Bus monitors	For our ten Loya/Sambrano routes, sometimes we have response drivers and office staff available to assist. However, on certain days, not all routes can be covered with a bus monitor, requiring bus drivers to manage the routes alone. The absence of a bus monitor poses a significant risk to student safety on the school bus, as there is no designated person to supervise student conduct, ensure safe boarding and disembarking, and oversee the children while the driver concentrates on driving. This lack of supervision could result in heightened disruptions, accidents, and concerns regarding student well-being.
Subtotal		**13,655**		
Transportation	199	28,125	Bus Driver	In need of more bus drivers
Subtotal		**28,125**		
Grand Total		**59,015**		
199 Grand Total		**185,199**		

Potential Savings

2026–2027 Potential Savings

Item Description	Potential Savings Amount	Notes
PCN 236 - Teacher English-High School	93,699	Vacancy
PCN 1940 - Teacher Science-High School	92,575	Vacancy
PCN 2253 - Teacher ROTC-High School	101,681	Vacancy
PCN 2293 - Teacher ROTC-High School	101,681	Vacancy
PCN 2519 - Teacher Strength & Cond. Support Facilitation	85,810	Vacancy
PCN 1927 - Teacher Math-High School	85,810	Vacancy
PCN 1824 - Teacher Elem Bilingual - 6th Grade	90,318	Vacancy
PCN 2339 - Teacher Elem Kindergarten	85,810	Vacancy
PCN 1256 - Aide-Nurse	29,271	Vacancy
Salary Subtotal	**766,655**	

2026–2027 Potential Savings

Campus/ Department	Item Description	Potential Savings Amount	Notes
	Employee Non-Local Travel - 6411		
	Non-Instructional Functions (functions other than 11)	29,771	Original amount $59,542-cut half for all included (Board travel not impacted)
	Employee Non-Local Travel Subtotal	**29,771**	
	Communications (729)		
	Budget Reduction (printing & mailing svs)	8,328	Original amount $33,328 ; left w/25,000
	Communications Subtotal	**8,328**	
	Employee Appreciation (739)		
	Budget reduction	7,089	Original amount $17,089 ; left w/$10,000
	Employee Appreciation Subtotal	**7,089**	
	FY 27 - District Health Insurance Contribution - Reduction Consideration		
	From $350 to $320 p/month	104,040	
	Health Insurance Subtotal	**104,040**	
	Potential Savings Grand Total	**915,883**	

Board of Trustees (BOT) Decision-Making Process

- Action and Planning for the district's long-term fiscal stability
  - BOT – Review and identify approved requests for additional budget allocations
  - BOT – Review and Identify approved cost-saving opportunities

2026-2027 Budget Development – Next Steps

- ❑ Finalize Proposed Revenues and Expenditures for General Fund, CNS, and Debt Service
- ❑ Finalize Proposed Budgets for GF, CNS, and DS
- ❑ Board Budget Adoption

Compensation Overview-Market Comparison

Teacher Salary Report

Salary Summary and Details

Organization	ESC	Enroll	Teacher Count	0-Year Salary	5-Year Salary	10-Year Salary	15-Year Salary	20-Year Salary	Highest Salary On Schedule	Max Years Credit	Highest Actual Salary	Average Salary
My Organization	19	2,764	194	$61,000	$67,483	$69,250	$70,786	$73,054	$76,442	26		$70,545
Market Group		3,849	254	$59,625	$65,248	$66,450	$68,228	$69,950	$72,841	27		$67,816
Comparison to Market (%)				102.3%	103.4%	104.2%	103.8%	104.4%	104.9%			104.0%
Dollar Difference ($)				$1,375	$2,236	$2,800	$2,559	$3,104	$3,601			$2,729
Market Group Minimum		77	10	$48,410	$58,779	$60,530	$62,557	$64,586	$67,740	20		$57,701
Market Group Maximum		49,139	3,720	$62,282	$70,610	$72,410	$75,110	$77,360	$79,930	30		$71,700

Organization	ESC	Enroll	Teacher Count	0-Year Salary	5-Year Salary	10-Year Salary	15-Year Salary	20-Year Salary	Highest Salary On Schedule	Max Years Credit	Highest Actual Salary	Average Salary
Anthony ISD	19	688	54	$62,000	$70,610	$72,410	$75,110	$77,360	$79,930	25		$71,700
Canutillo ISD	19	5,904	365	$60,500	$65,600	$67,000	$68,500	$70,000	$71,700	25		$69,910
Clint ISD	19	9,890	724	$62,282	$65,500	$66,900	$68,400	$69,900	$69,900	20		$66,832
Dell City ISD	19	77	10	$48,410	$58,779	$60,530	$63,105	$65,165	$67,740	25		$57,701
El Paso ISD	19	49,139	3,720	$58,750	$63,582	$64,582	$66,082	$68,241	$73,481	30		$66,360
Fabens ISD	19	1,794	142	$56,500	$59,000	$60,900	$62,557	$64,586	$72,201	29		$61,498
Tornillo ISD	19	695	60	$55,795	$64,995	$66,986	$69,564	$72,261	$77,786	30		$70,294
Ysleta ISD	19	34,918	2,537	$60,500	$65,700	$66,000	$68,055	$70,555	$76,230	30		$68,801

The SEISD surpasses the 90% market comparison goal.

Compensation Recommendations

- Attendance Clerk
  - Add four days to current duty day calendar
  - Rational: Finalization of PEIMS reporting duties
  - Annual increase of $505.80
    - 163 day to 167 days

- DAEP Aide
  - Change from Pay Grade 2 to Pay Grade 3

Human Resources Department

2025-2026 Instructional Support Pay Scale

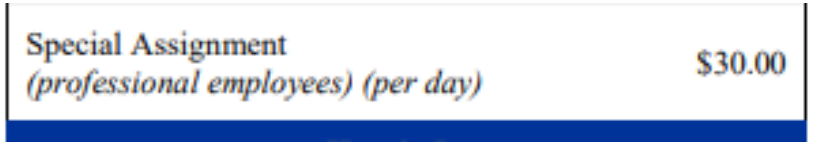
Pay Grade	Job Title	Calendar	HOURLY Minimum	HOURLY Midpoint	HOURLY Maximum
2			$14.00	$16.40	$18.70

  - Rational: Pay Grade 3 serves high need students
  - Annual Increase $2,843.99

Compensation Recommendations

Current Interim Pay

- Interim Pay for temporary dual roles
  - $30.00 per day for professional employees.



Special Assignment *(professional employees) (per day)*	$30.00

Proposed Interim Pay

- Interim Pay for temporary dual roles
  - 10% off the midpoint for dual roles within the same pay grade or lower.
  - 15% off the midpoint for dual roles in a higher paygrade.
- Interim pay for one role will be calculated as new hire pay.

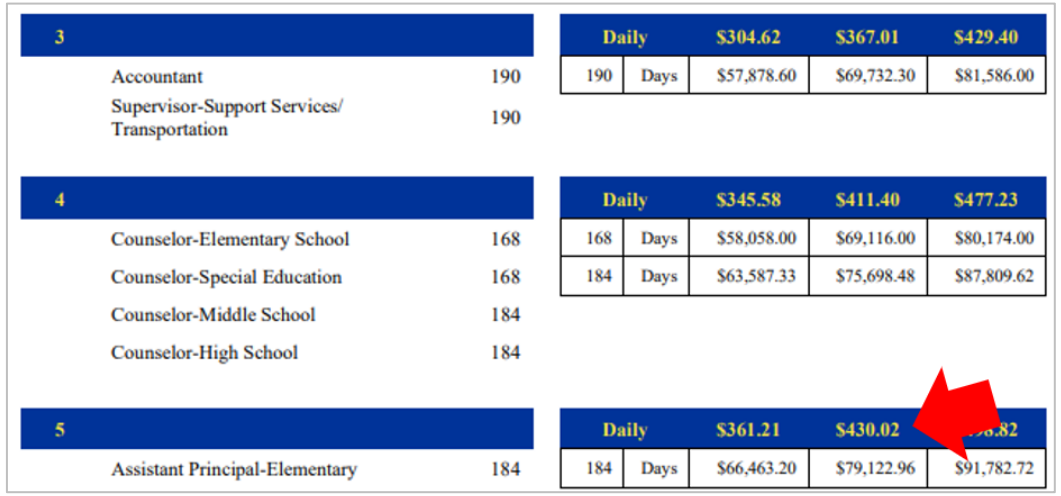
The interim assignment does not apply

Compensation Recommendation Example

Employee in Administrative Professional Pay Grade 3 in a Dual Interim assignment of Administrative Professional Pay Grade 5.

Current Interim Pay

- Employee would receive an additional $30 per day during temporary dual roles.



3					
	Accountant	190	Daily	$304.62	$367.01	$429.40
	Supervisor-Support Services/ Transportation	190	190	Days	$57,878.60	$69,732.30	$81,586.00
4			Daily	$345.58	$411.40	$477.23
	Counselor-Elementary School	168	168	Days	$58,058.00	$69,116.00	$80,174.00
	Counselor-Special Education	168	184	Days	$63,587.33	$75,698.48	$87,809.62
	Counselor-Middle School	184					
	Counselor-High School	184					
5			Daily	$361.21	$430.02	[illegible]
	Assistant Principal-Elementary	184	184	Days	$66,463.20	$79,122.96	$91,782.72

Proposed Interim Pay

- Employee would receive 15% of the Administrative Professional Pay Grade 5.
- $430.02 x 15% = $64.51
- Employee would receive an additional $64.51 per day during temporary dual roles.

TRS Health Care Updates/Recommendation

Known

- Qualifying Employees 518
- District minimum contribution, Total $225.00
  - District $150.00
  - State $75.00
- Current SEISD contribution $350.00
- Average district contribution in TEXAS is in the amount of $350.00 (per TRS)
- TRS does not offer an HSA account.
  - No current SEISD HSA contribution
- Inspira currently administers HSA and FSA accounts.
- Plan year begins Sept. 1, 2026
- Rates for Region 19 released May 1, 2026

New Rate Summary

Plan by Plan Premium Increase (Total cost)

TRS - ActiveCare Primary: 5.1% increase
TRS-Active Care Primary+: 5.7% increase
TRS - ActiveCare HD: 5.3% increase

Impact on Employee Contributions

Employee Tier (Employee tier comparison was selected to show where highest impact was)
TRS - ActiveCare Primary: + $23 (+85.2% increase)
TRS-Active Care Primary+: + $25 (+55.6% increase)
TRS - ActiveCare HD: + $30 (+28.6% increase)

There were also changes the following two plan benefits :

	Benefit Changes	Current PY 26	Upcoming PY 27
TRS-ActiveCare Primary+	Specialty drug cap	30% coinsurance	20% coinsurance; $500 cap per month
TRS-ActiveCare HD	In-network deductibles *(IRS requirement)*	$3,300 (Individual) / $6,600 (Family)	$3,400 (Individual) / $6,800 (Family)
	Out-of-network deductibles	$6,600 (Individual) / $13,200 (Family)	$6,800 (Individual) / $13,600 (Family)

Regional District Contribution

District	Contribution Amount	State Contribution	Contribution Amount
San Elizario ISD	$350.00	$75.00	$425.00
Anthony ISD	$325.00	$75.00	$400.00
Clint ISD	$246.00	$75.00	$320.00
Fabens ISD	$175.00	$75.00	$250.00
Tornillo ISD	$200.00	$75.00	$275.00

Information as of 06.03.26.
Districts listed above participate in TRS.

Current TRS Rate Summary

2025-2026

TRS - ActiveCare Primary

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution	State Contribution	Employee Contribution
Employee Only	88	$ 452.00	$ 350.00	$ 75.00	$ 27.00
Employee & Spouse	0	$ 1,221.00	$ 350.00	$ 75.00	$ 796.00
Employee & Children	15	$ 769.00	$ 350.00	$ 75.00	$ 344.00
Employee & Family	0	$ 1,537.00	$ 350.00	$ 75.00	$ 1,112.00

TRS-Active Care Primary+

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution	State Contribution	Employee Contribution
Employee Only	119	$ 530.00	$ 350.00	$ 75.00	$ 105.00
Employee & Spouse	5	$ 1,378.00	$ 350.00	$ 75.00	$ 953.00
Employee & Children	19	$ 901.00	$ 350.00	$ 75.00	$ 476.00
Employee & Family	0	$ 1,749.00	$ 350.00	$ 75.00	$ 1,324.00

TRS - ActiveCare HD

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution	State Contribution	Employee Contribution
Employee Only	37	$ 470.00	$ 350.00	$ 75.00	$ 45.00
Employee & Spouse	1	$ 1,269.00	$ 350.00	$ 75.00	$ 844.00
Employee & Children	7	$ 799.00	$ 350.00	$ 75.00	$ 374.00
Employee & Family	1	$ 1,598.00	$ 350.00	$ 75.00	$ 1,173.00

SEISD Contribution Without Changes

2026-2027

TRS - ActiveCare Primary

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution *	State Contribution	Employee Contribution
Employee Only	88	$ 475.00	$ 350.00	$ 75.00	$ 50.00
Employee & Spouse	0	$ 1,283.00	$ 350.00	$ 75.00	$ 858.00
Employee & Children	15	$ 808.00	$ 350.00	$ 75.00	$ 383.00
Employee & Family	0	$ 1,615.00	$ 350.00	$ 75.00	$ 1,190.00

Impact

Monthly	
Dollar Increase	Employee Increase
$ 23.00	85%
$ 62.00	8%
$ 39.00	11%
$ 78.00	7%

TRS-Active Care Primary+

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution *	State Contribution	Employee Contribution
Employee Only	119	$ 560.00	$ 350.00	$ 75.00	$ 135.00
Employee & Spouse	5	$ 1,456.00	$ 350.00	$ 75.00	$ 1,031.00
Employee & Children	19	$ 952.00	$ 350.00	$ 75.00	$ 527.00
Employee & Family	0	$ 1,848.00	$ 350.00	$ 75.00	$ 1,423.00

Monthly	
Dollar Increase	Employee Increase
$ 30.00	29%
$ 78.00	8%
$ 51.00	11%
$ 99.00	7%

TRS - ActiveCare HD

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution *	State Contribution	Employee Contribution
Employee Only	37	$ 495.00	$ 350.00	$ 75.00	$ 70.00
Employee & Spouse	1	$ 1,337.00	$ 350.00	$ 75.00	$ 912.00
Employee & Children	7	$ 842.00	$ 350.00	$ 75.00	$ 417.00
Employee & Family	1	$ 1,683.00	$ 350.00	$ 75.00	$ 1,258.00

Monthly	
Dollar Increase	Employee Increase
$ 25.00	56%
$ 68.00	8%
$ 43.00	11%
$ 85.00	7%

SEISD Contribution With Recommended Changes

2026-2027

TRS - ActiveCare Primary

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution	State Contribution	Employee Contribution
Employee Only	88	$ 475.00	$ 320.00	$ 75.00	$ 80.00
Employee & Spouse	0	$ 1,283.00	$ 320.00	$ 75.00	$ 888.00
Employee & Children	15	$ 808.00	$ 320.00	$ 75.00	$ 413.00
Employee & Family	0	$ 1,615.00	$ 320.00	$ 75.00	$ 1,220.00

Impact

Monthly	
Dollar Increase	Employee Increase
$ 53.00	196%
$ 92.00	12%
$ 69.00	20%
$ 108.00	10%

TRS-Active Care Primary+

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution	State Contribution	Employee Contribution
Employee Only	119	$ 560.00	$ 320.00	$ 75.00	$ 165.00
Employee & Spouse	5	$ 1,456.00	$ 320.00	$ 75.00	$ 1,061.00
Employee & Children	19	$ 952.00	$ 320.00	$ 75.00	$ 557.00
Employee & Family	0	$ 1,848.00	$ 320.00	$ 75.00	$ 1,453.00

Monthly	
Dollar Increase	Employee Increase
$ 60.00	57.14%
$ 108.00	11.33%
$ 81.00	17.02%
$ 129.00	9.74%

TRS - ActiveCare HD

Coverage Level	Employees Enrolled	Total Premium	Employer Contribution	State Contribution	Employee Contribution
Employee Only	37	$ 495.00	$ 320.00	$ 75.00	$ 100.00
Employee & Spouse	1	$ 1,337.00	$ 320.00	$ 75.00	$ 942.00
Employee & Children	7	$ 842.00	$ 320.00	$ 75.00	$ 447.00
Employee & Family	1	$ 1,683.00	$ 320.00	$ 75.00	$ 1,288.00

Monthly	
Dollar Increase	Employee Increase
$ 55.00	122.22%
$ 98.00	11.61%
$ 73.00	19.52%
$ 115.00	9.80%

*Administration recommends this option and welcomes Board discussion and input before final consideration.

Budget Impacts

Scenario 1						Monthly		Yearly
	EE Count	District Contribution	State Contribution	District Contribution Total	State Contribution Total	Total Contribution		Total Contribution
Eligible Employees	518	$ 350.00	$ 75.00	$ 181,300.00	$ 38,850.00	$ 220,150.00		$ 2,641,800.00
Currently Enrolled	292	$ 350.00	$ 75.00	$ 102,200.00	$ 21,900.00	$ 124,100.00		$ 1,489,200.00

Scenario 2						Monthly		Yearly
	EE Count	District Contribution	State Contribution	District Contribution Total	State Contribution Total	Total Contribution		Total Contribution
Eligible Employees	518	$ 320.00	$ 75.00	$ 165,760.00	$ 38,850.00	$ 204,610.00		$ 2,455,320.00
Currently Enrolled	292	$ 320.00	$ 75.00	$ 93,440.00	$ 21,900.00	$ 115,340.00		$ 1,384,080.00

District Contribution Difference in amount based on currently enrolled		
Difference	Months	Yearly Difference
$ 8,760.00	12	$ 105,120.00

OMA Taxpayer Impact Statement

(Pursuant to Texas Government Code Section 551.043(c)(2))

SAN ELIZARIO ISD

Tax Year 2026

Fiscal Year (Tax Year)	Median-Valued Homestead	Tax Rate per $100 of Value	Estimated Property Tax Bill
FY 2025-2026 (TY 2025)	**$0**	**$0.88530** Adopted 2025 Tax Rate	**$0.00** $0 / $100 x $0.88530
FY 2026-2027 (TY 2026)	**$169**	**$0.91910** Proposed 2026 Tax Rate based on proposed budget for 2026-2027	**$1.55** $169 / $100 x $0.91910

Budget Summary Report for SAN ELIZARIO ISD

	2025 - 2026 Actual Budget				2026 - 2027 "Proposed" Budget		
		Aggregate Expenditures	Per Pupil Expenditures			Aggregate Expenditures	Per Pupil Expenditures
Instruction				Instruction			
11	Instruction	$19,800,047	$6,758	11	Instruction	$21,844,970	$8,268
12	Instructional Resources, Media Services	$65,926	$23	12	Instructional Resources, Media Services	$70,131	$27
13	Curriculum Development & Staff Development	$885,672	$302	13	Curriculum Development & Staff Development	$883,230	$334
95	Payment to Juvenile Justice AEP	$0	$0	95	Payment to Juvenile Justice AEP	$0	$0
	Total:	$20,751,645	$7,082		Total:	$22,798,331	$8,629
Instructional Support				Instructional Support			
21	Instructional Leadership	$774,432	$264	21	Instructional Leadership	$811,813	$307
23	School Leadership	$2,132,964	$728	23	School Leadership	$2,239,698	$848
31	Guidance & Counseling, Evaluation	$1,489,259	$508	31	Guidance & Counseling, Evaluation	$1,423,109	$539
32	Social Work Services	$100,039	$34	32	Social Work Services	$113,889	$43
33	Health Services	$439,194	$150	33	Health Services	$536,881	$203
36	Co-curricular/ Extra-curricular Activities	$1,167,613	$399	36	Co-curricular/ Extra-curricular Activities	$1,014,717	$384
	Total	$6,103,501	$2,083		Total	$6,140,107	$2,324
							$0
Central Administration				Central Administration			$0
41	General Administration	$1,864,202	$636	41	General Administration	$1,987,341	$752
41 Publish Required Notices	Expenditures to publish all statutorily required public notices in the newspaper by the school district or their representatives.	$6,260	$2	41 Publish Required Notices	Expenditures to publish all statutorily required public notices in the newspaper by the school district or their representatives.	$6,300	$2
41 Lobbying	Expenditures for "directly or indirectly influencing or attempy to influence the outcome of legislation or administrative action as those terms are defined in Section 305.002, Government Code."	$1,551	$1	41 Lobbying	Expenditures for "directly or indirectly influencing or attempy to influence the outcome of legislation or administrative action as those terms are defined in Section 305.002, Government Code."	$2,326	$1
	Total:	$1,872,013	$639		Total:	$1,995,967	$755
District Operations				District Operations			
51	Plant Maintenance & Operations	$5,080,070	$1,734	51	Plant Maintenance & Operations	$4,755,136	$1,800
52	Security and Monitoring	$1,407,823	$480	52	Security and Monitoring	$1,694,790	$641
53	Data Processing	$1,175,786	$401	53	Data Processing	$1,167,838	$442
34	Student Transportation	$1,433,490	$489	34	Student Transportation	$1,351,820	$512
35	Food Services	$3,311,331	$1,130	35	Food Services	$3,664,603	$1,387
	Total:	$12,408,500	$4,235		Total:	$12,634,187	$4,782
Debt Service				Debt Service			
71	Debt Service	$2,011,040	$686	71	Debt Service	$1,884,025	$713
Other				Other			
61	Community Service	$15,030	$5	61	Community Service	$15,629	$6
81	Facilities Acquisition and Construction	$0	$0	81	Facilities Acquisition and Construction	$0	$0
91	Contracted Instructional Services Between Public schools	$0	$0	91	Contracted Instructional Services Between Public schools	$0	$0
92	Incremental Cost Associated with Chapter 41 School Districts	$0	$0	92	Incremental Cost Associated with Chapter 41 School Districts	$0	$0
93	Payments to Fiscal Agents for Shared Service Arrangements	$0	$0	93	Payments to Fiscal Agents for Shared Service Arrangements	$0	$0
97	Payments to Tax Increment Funds	$0	$0	97	Payments to Tax Increment Funds	$0	$0
99	Inter-government charges not Defined in Other codes	$51,700	$18	99	Inter-government charges not Defined in Other codes	$52,000	$20
	Total:	$66,730	$23		Total:	$67,629	$26
	Grand Total:	$43,213,429			Grand Total:	$45,520,246	

Difference	$2,306,817
Percent Change	5.34%

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone: 915872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Elizabeth Perez, Chief Financial Officer
Subject: Financial Reports – Tax Report
Date: June 10, 2026

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 16, 2025, Board meeting for a total rate of $0.8853. The Maintenance & Operations (M&O) rate which pays for items such as staff salaries, supplies, materials, transportation and utilities was $0.7156 while the Interest & Sinking (I&S) rate which pays for bonded debt was $0.1697.

RATIONALE The purpose of this agenda item is to report collections made for the current 2025 tax year which is based on the levy billed on October 1, 2025.

BUDGET: Collections as of April 30, 2026, are summarized below.

	M&O	I&S	Total	Collections
Current Year Levy	$2,233,356	$529,626	$2,762,982	
Current Year Collections	$1,986,384	$471,059	$2,457,443	$2,457,443
Current Year Levy Outstanding	$246,972	$58,567	$305,539	
Prior Year Collections				$108,079
Penalty & Interest Collections				$57,854
Total Collections				$2,623,376

ADMINSTRATIVE RECOMMENDATION: This report is for information only.

For Approval? ☐ Yes ☒ No
If no, please check one: ☐ Presentation ☐ Report ☒ Information
Please check if applicable: ☐ Attachment Included

EL PASO CONSOLIDATED TAX OFFICE
PROPERTY TAX COLLECTION ANALYSIS
9/1/2025 through 4/30/2026

JURISDICTION: 19 SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

	CURRENT TAX YEAR ($)		PRIOR YEARS ($)		ALL YEARS ($)			COLLECTION FEE ($)	
PERIOD	COLLECTED	CUMULATIVE	COLLECTED	CUMULATIVE	COLLECTED	CUMULATIVE	%	COLLECTED	CUMULATIVE
Sep 2025	-	-	51,076.15	51,076.15	51,076.15	51,076.15	1.85%	9,028.77	9,028.77
Oct 2025	28,774.29	28,774.29	8,712.45	59,788.60	37,486.74	88,562.89	3.21%	1,764.61	10,793.38
Nov 2025	135,401.54	164,175.83	13,113.12	72,901.72	148,514.66	237,077.55	8.58%	1,901.28	12,694.66
Dec 2025	855,586.24	1,019,762.07	17,065.33	89,967.05	872,651.57	1,109,729.12	40.16%	3,006.28	15,700.94
Jan 2026	975,567.45	1,995,329.52	17,666.72	107,633.77	993,234.17	2,102,963.29	76.11%	2,836.55	18,537.49
Feb 2026	317,514.31	2,312,843.83	9,730.40	117,364.17	327,244.71	2,430,208.00	87.96%	3,749.59	22,287.08
Mar 2026	107,441.96	2,420,285.79	17,395.49	134,759.66	124,837.45	2,555,045.45	92.47%	3,641.30	25,928.38
Apr 2026	58,335.73	2,478,621.52	9,994.45	144,754.11	68,330.18	2,623,375.63	94.95%	3,198.25	29,126.63
May 2026									
Jun 2026									
Jul 2026									
Aug 2026									

LEVY		CURRENT	PRIOR	ALL YEARS
Levy-Cert	7/25/2025	2,756,631.77	N/A	N/A
Levy-Billed	10/1/2025	2,817,941.38	635,963.53	3,453,904.91
Adjusted Levy YTD		2,762,982.45	594,712.67	3,357,695.12
Increase/Decrease		(54,958.93)	(41,250.86)	(96,209.79)
Levy Outstanding		305,539.06	486,634.12	792,173.18

REVENUE	CURRENT	PRIOR	ALL YEARS
Total Levy Collected	2,457,443.39	108,078.55	2,565,521.94
Total Penalty & Interest	21,178.13	36,675.56	57,853.69
Total Levy + P&I	2,478,621.52	144,754.11	2,623,375.63
Taxes as percent of levy	88.94%	3.91%	92.85%
P&I as percent of levy	0.77%	1.33%	2.10%
Total as percent of levy	89.71%	5.24%	94.95%
Collection Fee	1,873.06	27,253.57	29,126.63
Total Collected YTD	2,480,494.58	172,007.68	2,652,502.26

printed 5/4/2026

San Elizario ISD
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Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Elizabeth Perez, Chief Financial Officer
Subject: Financial Reports – Financial Statements
Date: June 10, 2026

HISTORY: The district's fiscal year runs from July 1st through June 30th. The district's fiscal accounts are audited annually, and the results were presented at a special meeting in February.

RATIONALE: The purpose of this agenda item is to present unaudited interim financial statements as of April 30, 2026, 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 H-4: presents revenues and expenses for internal service funds

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

ADMINSTRATIVE RECOMMENDATION: This report is for information only.

For Approval? ☐ Yes ☒ No
If no, please check one: ☐ Presentation ☒ Report ☒ Information
Please check if applicable: ☒ Attachment Included

SAN ELIZARIO ISD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - GENERAL FUND - UNAUDITED
FOR THE ONE MONTH ENDING APRIL 30, 2026

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	$ 3,093,147	$ 3,093,147	2,715,196	$ (377,951)
5800	State Program Revenues	31,231,757	31,440,069	25,130,629	(6,309,440)
5900	Federal Program Revenues	4,305,000	4,305,000	2,821,078	(1,483,922)
5020	Total Revenues	38,629,904	38,838,216	30,666,903	(8,171,313)
	EXPENDITURES:				
	Current:				
0011	Instruction	19,734,074	19,947,780	16,568,116.99	3,379,663
0012	Instructional Resources and Media Services	67,426	67,426	45,872.85	21,553
0013	Curriculum and Instructional Staff Development	859,460	859,460	622,137.94	237,322
0021	Instructional Leadership	744,080	774,432	607,017.88	167,415
0023	School Leadership	2,102,639	2,113,090	1,632,382.43	480,708
0031	Guidance, Counseling and Evaluation Services	1,503,569	1,502,069	1,033,512.17	468,557
0032	Social Work Services	50,039	100,039	80,351.53	19,687
0033	Health Services	427,494	427,494	397,406.86	30,087
0034	Student (Pupil) Transportation	1,421,379	1,421,379	1,113,632.11	307,747
0035	Food Services	3,310,425	3,310,425	2,724,722.79	585,702
0036	Extracurricular Activities	909,279	1,024,279	965,671.38	58,608
0041	General Administration	1,707,954	1,857,954	1,450,126.09	407,828
0051	Facilities Maintenance and Operations	5,317,942	5,314,942	3,222,955.69	2,091,986
0052	Security and Monitoring Services	608,150	1,111,663	1,093,457.00	18,206
0053	Data Processing Services	1,170,851	1,170,851	932,868.60	237,982
0061	Community Services	15,030	15,030	8,904.04	6,126
	Debt Service:				
0071	Debt Service	319,725	283,815	222,724.20	61,091
	Capital Outlay:				
0081	Facilities Acquisition and Construction	-	-	-	-
	Intergovernmental:				
0099	Other Intergovernmental Charges	51,700	51,700	29,635	22,065
6030	Total Expenditures	40,321,216	41,353,829	32,751,496	8,602,333
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	(1,691,312)	(2,515,613)	(2,084,593)	431,020
	OTHER FINANCING SOURCES (USES):				
7912	Sale of Real and Personal Property	25,000	25,000	12,475	(12,525)
7915	Transfers In	-	-	-	-
8911	Transfers Out (Use)	-	-	-	-
7080	Total Other Financing Sources (Uses)	25,000	25,000	12,475	(12,525)
1200	Net Changes in Fund Balances	(1,666,312)	(2,490,613)	(2,072,117)	418,495
0100	Fund Balance - July 1 (Beginning)	-	14,185,974	14,185,974	-
3000	Fund Balance - June 30 (Ending)	$ (1,666,312)	$ 11,695,361	$ 12,113,857	$ 418,495

SAN ELIZARIO ISD
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL - DEBT SERVICE FUND - UNAUDITED
FOR THE ONE MONTH ENDING APRIL 30, 2026

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	$ 527,252	$ 527,252	$ 526,341	$ (911)
5800	State Program Revenues	1,245,681	1,245,681	1,150,870	(94,811)
5020	Total Revenues	1,772,933	1,772,933	1,677,211	(95,722)
	EXPENDITURES:				
	Debt Service:				
0071	Debt Service	1,727,225	1,727,225	1,623,828	103,397
6030	Total Expenditures	1,727,225	1,727,225	1,623,828	103,397
1100	Excess (Deficiency) of Revenues Over(Under) Expenditures	45,708	45,708	53,383	7,675
	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	45,708	45,708	53,383	7,675
0100	Fund Balance - July 1 (Beginning)	-	341,499	341,499	-
3000	Fund Balance - June 30 (Ending)	$ 45,708	$ 387,207	$ 394,882	$ 7,675

EXHIBIT H-4

SAN ELIZARIO ISD
COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN FUND NET POSITION
INTERNAL SERVICE FUNDS - UNAUDITED
FOR THE ONE MONTH ENDING APRIL 30, 2026

	753 Self Insurance Health Fund	770 Self Insurance W/ Comp Fund	Total Internal Service Funds
OPERATING REVENUES:			
Local and Intermediate Sources	$ 626,644	$ 58,927	$ 685,572
Total Operating Revenues	626,644	58,927	685,572
OPERATING EXPENSES:			
Professional and Contracted Services	1,228,352	132,546	1,360,898
Other Operating Costs	200,412	-	200,412
Total Operating Expenses	1,428,764	132,546	1,561,310
Operating Income (Loss)	(802,120)	(73,619)	(875,738)
NONOPERATING REVENUES (EXPENSES):			
Earnings from Temporary Deposits & Investments	139	45,741	45,880
Total Nonoperating Revenues (Expenses)	139	45,741	45,880
Income (Loss) Before Transfers	(801,981)	(27,877)	(829,859)
Transfer In	-	-	-
Change in Net Position	(801,981)	(27,877)	(829,859)
Total Net Position - July 1 (Beginning)	(558,907)	909,946	351,039
Total Net Position - June 30 (Ending)	$ (1,360,888)	$ 882,069	$ (478,820)

San Elizario ISD
P.O. Box 920
San Elizario, TX 79849
Phone: 915872.3900
Fax 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees
From: Elizabeth Perez, Chief Financial Officer
Subject: Financial Reports – Investment Report
Date: June 10, 2026

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 the investment report for the month of April 30, 2026.

BUDGET: Interest earned by fund is summarized in the investment report which is attached.

ADMINSTRATIVE RECOMMENDATION: This report is for information only.

For Approval? ☐ Yes ☒ No
If no, please check one: ☐ Presentation ☒ Report ☐ Information
Please check if applicable: ☒ Attachment Included

San Elizario I.S.D.
Statement of Interest Earned
For The One Month Ending April 30, 2026

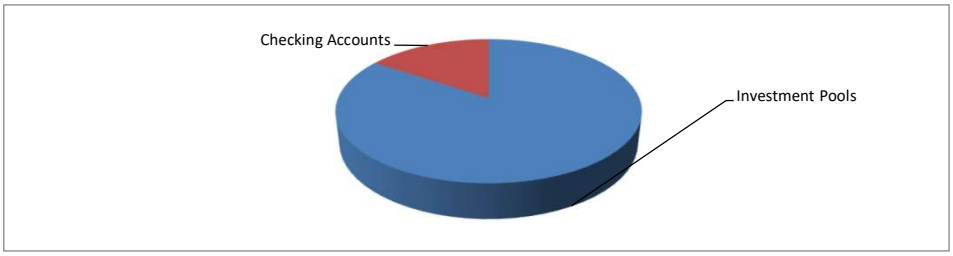
General Fund	**$**	**367,983.59**
Interest & Sinking (Debt Service) Fund	**$**	**15,962.27**
Capital Projects Fund	**$**	**13,787.14**
Health Insurance Fund	**$**	**138.71**
Workers Compensation Fund	**$**	**45,741.12**
Total	**$**	**443,612.83**

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.

Elizabeth Perez — **May 26, 2026**
Chief Financial Officer — **Date**

Portfolio Diversification

By Investment Type	Current Market Value	Portfolio %	Investment Maturity
Investment Pools	$ 12,476,049	84.30%	Overnight
Checking Accounts	$ 2,322,928	15.70%	Overnight
	$ 14,798,977		



General Fund

Wells Fargo- General Operating Checking Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Earnings Allowance*	*Net Earnings Allowance*
01-Jul-25	31-Jul-25	Overnight	$ 838,994.15	1.20%	$ 886.16
01-Aug-25	31-Aug-25	Overnight	$ 607,050.05	1.20%	$ 842.36
01-Sep-25	30-Sep-25	Overnight	$ 239,186.25	1.00%	$ 689.70
01-Oct-25	31-Oct-25	Overnight	$ 813,294.44	1.00%	$ 743.11
01-Nov-25	30-Nov-25	Overnight	$ 1,143,751.69	0.80%	$ 790.98
01-Dec-25	31-Dec-25	Overnight	$ 1,244,437.27	0.60%	$ 682.71
01-Jan-26	31-Jan-26	Overnight	$ 1,260,446.55	0.60%	$ 732.85
01-Feb-26	28-Feb-26	Overnight	$ 1,032,820.60	0.60%	$ 637.74
01-Mar-26	31-Mar-26	Overnight	$ 1,040,716.10	0.60%	$ 659.31
01-Apr-26	30-Apr-26	Overnight	$ 2,013,383.07	0.60%	$ 664.75
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Net Earnings Allowance:	**$ 7,329.67**

Earnings allowance is earned based on the available bank balance and is used to offset monthly bank analyzed charges.

Wells Fargo- Food Service Checking Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Earnings Allowance*	*Net Earnings Allowance*
01-Jul-25	31-Jul-25	Overnight	$ 132,847.70	0.00%	$ -
01-Aug-25	31-Aug-25	Overnight	$ 143,984.60	0.00%	$ -
01-Sep-25	30-Sep-25	Overnight	$ 156,125.25	0.00%	$ -
01-Oct-25	31-Oct-25	Overnight	$ 170,901.90	0.00%	$ -
01-Nov-25	30-Nov-25	Overnight	$ 190,086.11	0.00%	$ -
01-Dec-25	31-Dec-25	Overnight	$ 199,193.51	0.00%	$ -
01-Jan-26	31-Jan-26	Overnight	$ 208,789.29	0.00%	$ -
01-Feb-26	28-Feb-26	Overnight	$ 219,912.12	0.00%	$ -
01-Mar-26	31-Mar-26	Overnight	$ 226,413.52	0.00%	$ -
01-Apr-26	30-Apr-26	Overnight	$ 237,106.08	0.00%	$ -
01-May-26	31-May-26	Overnight		0.00%	$ -
01-Jun-26	30-Jun-26	Overnight		0.00%	$ -
				Net Earnings Allowance:	**$ -**

This bank balance is combined with the general operating account for the purpose of the earning allowance.

Lone Star Investment Pool- Corporate Overnight Plus Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 1,922,931.48	4.44%	$ 5,819.01
01-Aug-25	31-Aug-25	Overnight	$ 716,792.31	4.43%	$ 4,460.75
01-Sep-25	30-Sep-25	Overnight	$ 4,426,993.63	4.39%	$ 3,748.94
01-Oct-25	31-Oct-25	Overnight	$ 3,306,062.05	4.28%	$ 13,746.31
01-Nov-25	30-Nov-25	Overnight	$ 2,741,365.93	4.14%	$ 9,131.80
01-Dec-25	31-Dec-25	Overnight	$ 5,345,560.39	4.03%	$ 12,179.74
01-Jan-26	31-Jan-26	Overnight	$ 5,593,957.40	3.91%	$ 17,984.60
01-Feb-26	28-Feb-26	Overnight	$ 4,616,935.06	3.83%	$ 14,774.83
01-Mar-26	31-Mar-26	Overnight	$ 4,846,741.47	3.80%	$ 14,586.01
01-Apr-26	30-Apr-26	Overnight	$ 1,049,797.12	3.82%	$ 12,729.33
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 109,161.32**

Lone Star Investment Pool- Corporate Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 217,776.80	4.42%	$ 813.98
01-Aug-25	31-Aug-25	Overnight	$ 218,598.17	4.42%	$ 817.23
01-Sep-25	30-Sep-25	Overnight	$ 219,382.50	4.37%	$ 784.33
01-Oct-25	31-Oct-25	Overnight	$ 220,177.10	4.26%	$ 794.60
01-Nov-25	30-Nov-25	Overnight	$ 220,916.97	4.09%	$ 739.87
01-Dec-25	31-Dec-25	Overnight	$ 221,659.83	3.96%	$ 742.86
01-Jan-26	31-Jan-26	Overnight	$ 222,385.37	3.85%	$ 725.54
01-Feb-26	28-Feb-26	Overnight	$ 223,033.68	3.80%	$ 648.31
01-Mar-26	31-Mar-26	Overnight	$ 223,749.22	3.78%	$ 715.54
01-Apr-26	30-Apr-26	Overnight	$ 224,443.41	3.77%	$ 694.19
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 7,476.45**

Lone Star Investment Pool- Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 4,761,132.40	4.31%	$ 17,348.31
01-Aug-25	31-Aug-25	Overnight	$ 3,100,267.40	4.31%	$ 16,865.29
01-Sep-25	30-Sep-25	Overnight	$ 2,597,252.22	4.25%	$ 9,705.71
01-Oct-25	31-Oct-25	Overnight	$ 2,640,827.00	4.14%	$ 9,218.52
01-Nov-25	30-Nov-25	Overnight	$ 2,763,254.65	3.97%	$ 8,798.82
01-Dec-25	31-Dec-25	Overnight	$ 3,290,804.87	3.81%	$ 9,541.79
01-Jan-26	31-Jan-26	Overnight	$ 4,016,687.16	3.70%	$ 11,602.38
01-Feb-26	28-Feb-26	Overnight	$ 4,560,788.20	3.67%	$ 12,509.17
01-Mar-26	31-Mar-26	Overnight	$ 4,688,611.22	3.66%	$ 14,387.52
01-Apr-26	30-Apr-26	Overnight	$ 4,766,341.40	3.64%	$ 14,174.84
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 124,152.35**

Texas CLASS Investment Pool- General Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 3,698,009.69	4.41%	$ 13,812.13
01-Aug-25	31-Aug-25	Overnight	$ 3,711,822.53	4.39%	$ 13,812.84
01-Sep-25	30-Sep-25	Overnight	$ 3,725,114.46	4.35%	$ 13,291.93
01-Oct-25	31-Oct-25	Overnight	$ 3,738,663.74	4.28%	$ 13,549.28
01-Nov-25	30-Nov-25	Overnight	$ 3,751,303.72	4.11%	$ 12,639.98
01-Dec-25	31-Dec-25	Overnight	$ 3,763,968.94	3.97%	$ 12,665.22
01-Jan-26	31-Jan-26	Overnight	$ 3,776,309.85	3.85%	$ 12,340.91
01-Feb-26	28-Feb-26	Overnight	$ 3,787,336.69	3.80%	$ 11,026.84
01-Mar-26	31-Mar-26	Overnight	$ 3,799,501.72	3.78%	$ 12,165.03
01-Apr-26	30-Apr-26	Overnight	$ 3,811,306.68	3.77%	$ 11,804.96
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 127,109.12**

Wells Fargo- San Elizario High School Account

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Earnings Allowance*	*Net Earnings Allowance*
01-Jul-25	31-Jul-25	Overnight	$ 14,782.53	0.68%	$ 8.55
01-Aug-25	31-Aug-25	Overnight	$ 15,560.42	0.68%	$ 8.73
01-Sep-25	30-Sep-25	Overnight	$ 17,899.36	0.64%	$ 8.78
01-Oct-25	31-Oct-25	Overnight	$ 18,729.30	0.58%	$ 8.95
01-Nov-25	30-Nov-25	Overnight	$ 19,385.43	0.48%	$ 7.55
01-Dec-25	31-Dec-25	Overnight	$ 20,237.33	0.48%	$ 8.10
01-Jan-26	31-Jan-26	Overnight	$ 20,833.91	0.48%	$ 8.37
01-Feb-26	28-Feb-26	Overnight	$ 21,131.01	0.48%	$ 7.72
01-Mar-26	31-Mar-26	Overnight	$ 22,071.85	0.48%	$ 8.90
01-Apr-26	30-Apr-26	Overnight	$ 22,481.22	0.48%	$ 8.70
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 84.35**

Total General Fund Interest Earned	**$ 367,983.59**

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-25	31-Jul-25	Overnight	$ 141,771.92	4.44%	$ 532.47
01-Aug-25	31-Aug-25	Overnight	$ 142,305.81	4.43%	$ 533.89
01-Sep-25	30-Sep-25	Overnight	$ 142,818.86	4.39%	$ 513.05
01-Oct-25	31-Oct-25	Overnight	$ 143,338.42	4.28%	$ 519.56
01-Nov-25	30-Nov-25	Overnight	$ 143,825.62	4.14%	$ 487.20
01-Dec-25	31-Dec-25	Overnight	$ 144,317.40	4.03%	$ 491.78
01-Jan-26	31-Jan-26	Overnight	$ 144,796.85	3.91%	$ 479.45
01-Feb-26	28-Feb-26	Overnight	$ 145,221.82	3.83%	$ 424.97
01-Mar-26	31-Mar-26	Overnight	$ 145,690.70	3.80%	$ 468.88
01-Apr-26	30-Apr-26	Overnight	$ 146,147.82	3.82%	$ 457.12
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 4,908.37**

Lone Star Investment Pool- Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 163,823.95	4.31%	$ 592.59
01-Aug-25	31-Aug-25	Overnight	$ 169,462.90	4.31%	$ 608.66
01-Sep-25	30-Sep-25	Overnight	$ 177,880.42	4.25%	$ 608.36
01-Oct-25	31-Oct-25	Overnight	$ 186,226.39	4.14%	$ 644.13
01-Nov-25	30-Nov-25	Overnight	$ 213,529.07	3.97%	$ 651.18
01-Dec-25	31-Dec-25	Overnight	$ 337,067.14	3.81%	$ 834.38
01-Jan-26	31-Jan-26	Overnight	$ 507,484.28	3.70%	$ 1,359.14
01-Feb-26	28-Feb-26	Overnight	$ 635,066.75	3.67%	$ 1,712.43
01-Mar-26	31-Mar-26	Overnight	$ 663,598.44	3.67%	$ 2,024.97
01-Apr-26	30-Apr-26	Overnight	$ 680,489.40	3.64%	$ 2,018.06
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 11,053.90**

Total Debt Service Fund Interest Earned	**$ 15,962.27**

Capital Projects Fund

2015 Bond Construction Fund - Government Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 414,582.28	4.31%	$ 1,513.14
01-Aug-25	31-Aug-25	Overnight	$ 416,099.83	4.31%	$ 1,517.55
01-Sep-25	30-Sep-25	Overnight	$ 417,553.80	4.25%	$ 1,453.97
01-Oct-25	31-Oct-25	Overnight	$ 419,022.50	4.14%	$ 1,468.70
01-Nov-25	30-Nov-25	Overnight	$ 420,388.83	3.97%	$ 1,366.33
01-Dec-25	31-Dec-25	Overnight	$ 421,747.87	3.81%	$ 1,359.04
01-Jan-26	31-Jan-26	Overnight	$ 423,071.88	3.70%	$ 1,324.01
01-Feb-26	28-Feb-26	Overnight	$ 424,264.18	3.67%	$ 1,192.30
01-Mar-26	31-Mar-26	Overnight	$ 425,581.33	3.66%	$ 1,317.15
01-Apr-26	30-Apr-26	Overnight	$ 426,856.28	3.64%	$ 1,274.95
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 13,787.14**

Total Capital Projects Fund Interest Earned	**$ 13,787.14**

Health Insurance Fund

Wells Fargo- Health Insurance

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 75,186.24	0.68%	$ 20.16
01-Aug-25	31-Aug-25	Overnight	$ 46,781.69	0.68%	$ 22.23
01-Sep-25	30-Sep-25	Overnight	$ 30,805.10	0.64%	$ 20.44
01-Oct-25	31-Oct-25	Overnight	$ 14,884.65	0.57%	$ 7.42
01-Nov-25	30-Nov-25	Overnight	$ 18,432.76	0.48%	$ 22.64
01-Dec-25	31-Dec-25	Overnight	$ 27,712.09	0.48%	$ 6.19
01-Jan-26	31-Jan-26	Overnight	$ 4,249.79	0.48%	$ 9.03
01-Feb-26	28-Feb-26	Overnight	$ 8,511.31	0.48%	$ 11.63
01-Mar-26	31-Mar-26	Overnight	$ 24,551.85	0.48%	$ 10.00
01-Apr-26	30-Apr-26	Overnight	$ 20,878.75	0.48%	$ 8.97
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 138.71**
				Total Health Insurance Fund Interest Earned	**$ 138.71**

Workers Compensation Fund

Wells Fargo- Worker's Compensation

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 19,529.14	0.68%	$ 11.76
01-Aug-25	31-Aug-25	Overnight	$ 18,657.22	0.68%	$ 11.08
01-Sep-25	30-Sep-25	Overnight	$ 17,909.80	0.64%	$ 9.58
01-Oct-25	31-Oct-25	Overnight	$ 11,620.08	0.58%	$ 7.32
01-Nov-25	30-Nov-25	Overnight	$ 10,052.10	0.48%	$ 4.27
01-Dec-25	31-Dec-25	Overnight	$ 6,196.47	0.48%	$ 3.45
01-Jan-26	31-Jan-26	Overnight	$ 20,566.82	0.48%	$ 4.34
01-Feb-26	28-Feb-26	Overnight	$ 28,699.21	0.48%	$ 7.72
01-Mar-26	31-Mar-26	Overnight	$ 30,332.05	0.48%	$ 11.45
01-Apr-26	30-Apr-26	Overnight	$ 29,079.15	0.48%	$ 11.70
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 82.67**

Lone Star Investment Pool- Corporate Overnight Fund

Beginning Date	*Ending Date*	*Maturity*	*Bank Balance*	*Interest Rate*	*Interest Earned*
01-Jul-25	31-Jul-25	Overnight	$ 1,329,979.23	4.42%	$ 4,971.01
01-Aug-25	31-Aug-25	Overnight	$ 1,334,970.11	4.42%	$ 4,990.88
01-Sep-25	30-Sep-25	Overnight	$ 1,339,759.96	4.37%	$ 4,789.85
01-Oct-25	31-Oct-25	Overnight	$ 1,344,612.54	4.26%	$ 4,852.58
01-Nov-25	30-Nov-25	Overnight	$ 1,349,130.89	4.09%	$ 4,518.35
01-Dec-25	31-Dec-25	Overnight	$ 1,353,667.52	3.96%	$ 4,536.63
01-Jan-26	31-Jan-26	Overnight	$ 1,358,098.34	3.85%	$ 4,430.82
01-Feb-26	28-Feb-26	Overnight	$ 1,362,057.53	3.80%	$ 3,959.19
01-Mar-26	31-Mar-26	Overnight	$ 1,366,427.29	3.78%	$ 4,369.76
01-Apr-26	30-Apr-26	Overnight	$ 1,370,666.67	3.77%	$ 4,239.38
01-May-26	31-May-26	Overnight			
01-Jun-26	30-Jun-26	Overnight			
				Interest Earned:	**$ 45,658.45**
				Total Worker's Compensation Fund Interest Earned :	**$ 45,741.12**

Lone★Star™ Investment Pool

Distributed by FIRST PUBLIC® Member FINRA/SIPC

First Public
12007 Research Blvd.
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Investment Managers:
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The Official Investment Pool of

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Lone Star Monthly Performance Update

The Lone Star Information Statement should be read carefully before investing. Investors should consider the investment objectives, risks, charges, 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.

First Public is a registered broker dealer with the Securities and Exchange Commission, the Financial Industry Regulatory Authority, and the Municipal Securities Rulemaking Board. First Public is not acting as a municipal advisor and is not providing advice or recommending any action to any municipal entity (including governmental entities under Section 15B of the U.S. Securities Exchange Act) or any of such entity's obligated persons. First Public does not assume or owe any fiduciary duty under Section 15B of the U.S. Securities Exchange Act with respect to the information contained herein. Please consult your professional and legal advisors and fiduciaries before acting on any of this information.

Fund Performance Update

April 30, 2026

Comments by Mellon, Investment Manager

The conflict in Iran continues to be the focus of the financial markets, largely due to the disruption in the global oil supply. After significant volatility in March when the conflict began, the US Treasury market stabilized as yields were only modestly changed in April. The US equity markets, which plummeted in March, rebounded strongly in April as the Dow Jones Industrial Average®, S&P 500® and Nasdaq-100® indexes gained 7.14%, 10.4% and 15.3%, respectively. The March payroll data, released in early April, rebounded to +178k job adds after a very weak print from the prior month. The unemployment rate fell to 4.3%, which was 0.1% lower than expectations. The Federal Open Market Committee (FOMC) left policy rates unchanged at 3.5% to 3.75% at the April 29 meeting. In the statement, Federal Reserve (Fed) officials modified the language, saying "developments in the Middle East are contributing to a high level of economic uncertainty." There were multiple dissenters over the statement's language. At the end of April, the market pricing was in little chance of a rate change by the end of 2026.

Active Participants This Month

Schools and Colleges	605
Other Governmental Entities	94
Total	*699*



Thank you for celebrating 30+ years with us!

Throughout the coming year, the following list will be updated as we recognize all ongoing accounts that have been with Lone Star for 30 years or more.

Edgewood ISD-Bexar County
Region XVI ESC
New Waverly ISD
Town of Fairview
Highland Park ISD - Potter County
Iraan-Sheffield Collegiate ISD
Hooks ISD
Paris ISD
Greenville ISD
Walnut Bend ISD
Diboll ISD
Valentine ISD
Canutillo ISD
Riviera ISD
De Soto ISD
Lancaster ISD
Brackett ISD
San Vicente ISD
Gunter ISD
Fort Hancock ISD
City of Lake Worth
Red Oak ISD
Liberty Hill ISD

Lone★Star™
Investment Pool



Government Overnight Fund

Return Information

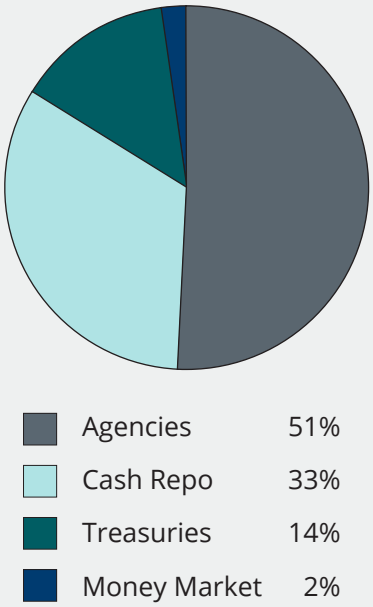
April 30, 2026

Average Monthly Return (a)	3.64%
SEC 7-day Fund Yield (b)	3.65%
Weighted Average Maturity One (c)	38 days
Weighted Average Maturity Two (c)	111 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

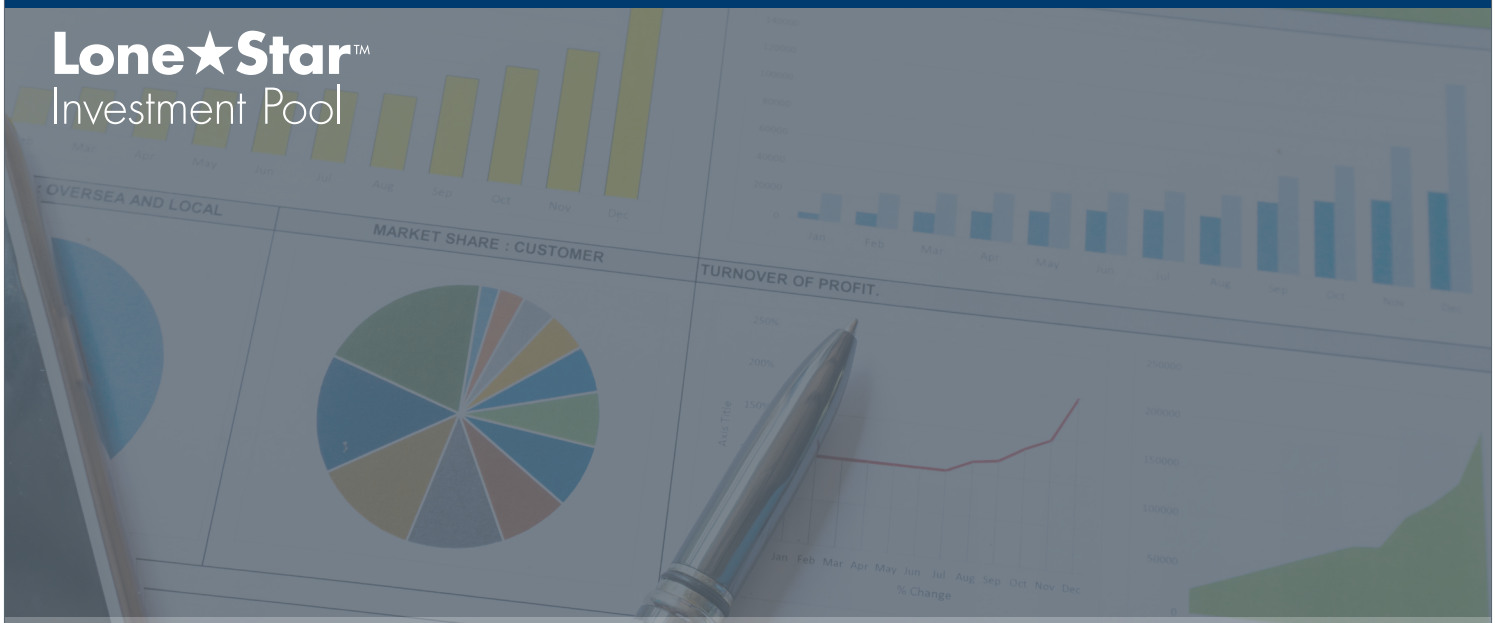
	Book Value	Market Value
Cash/Repo	2,338,552,725.08	2,338,552,725.08
US Treasuries	989,166,789.88	988,859,360.91
Agencies	3,574,667,092.44	3,574,790,662.95
Money Market Funds	103,131,412.33	103,131,412.33
Total Assets	*7,005,518,019.73*	*7,005,334,161.27*

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

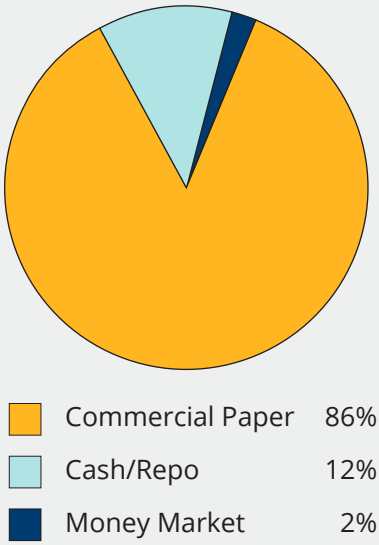
Return Information
April 30, 2026

Average Monthly Return (a)	3.77%
SEC 7-day Fund Yield (b)	3.78%
Weighted Average Maturity One (c)	45 days
Weighted Average Maturity Two (c)	79 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	534,794,418.16	534,794,418.16
US Treasuries	-	-
Agencies	-	-
Commercial Paper	3,933,874,409.21	3,933,160,211.93
Money Market Funds	108,903,559.18	108,899,365.18
Total Assets	*4,577,572,386.55*	*4,576,853,995.27*

Investment Distribution



(b)

SEC 7-Day Yield Calculation

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

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

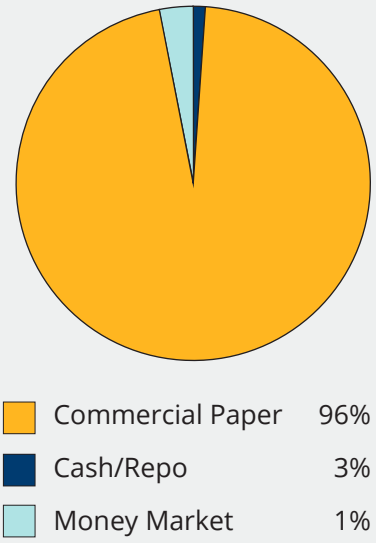
April 30, 2026

Average Monthly Return (a)	3.82%
SEC 7-day Fund Yield (b)	3.83%
Weighted Average Maturity One (c)	67 days
Weighted Average Maturity Two (c)	106 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	403,496,464.73	403,496,464.73
US Treasuries	-	-
Agencies	-	-
Commercial Paper	11,392,171,140.58	11,389,963,766.94
Money Market Funds	133,042,738.34	133,042,738.34
Total Assets	*11,928,710,343.65*	*11,926,502,970.01*

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
04/01/2026	0.000103625	3.7823%
04/02/2026	0.000414084	3.7783%
04/03/2026	0.000000000	3.7785%
04/04/2026	0.000000000	3.7785%
04/05/2026	0.000000000	3.7785%
04/06/2026	0.000103522	3.7786%
04/07/2026	0.000103412	3.7745%
04/08/2026	0.000103046	3.7612%
04/09/2026	0.000102656	3.7469%
04/10/2026	0.000308136	3.7490%
04/11/2026	0.000000000	3.7490%
04/12/2026	0.000000000	3.7490%
04/13/2026	0.000103097	3.7630%
04/14/2026	0.000103393	3.7739%
04/15/2026	0.000103941	3.7938%
04/16/2026	0.000104051	3.7979%
04/17/2026	0.000310359	3.7760%
04/18/2026	0.000000000	3.7761%
04/19/2026	0.000000000	3.7761%
04/20/2026	0.000103228	3.7678%
04/21/2026	0.000103153	3.7651%
04/22/2026	0.000103431	3.7752%
04/23/2026	0.000103586	3.7809%
04/24/2026	0.000311286	3.7873%
04/25/2026	0.000000000	3.7873%
04/26/2026	0.000000000	3.7873%
04/27/2026	0.000103830	3.7898%
04/28/2026	0.000103654	3.7834%
04/29/2026	0.000103477	3.7769%
04/30/2026	0.000103513	3.7782%

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
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San Elizario, TX 79849
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MEMORANDUM

To: Members of the Board of Trustees
From: Vicente Rodriguez, Executive Director - Technology
Subject: **FY 2027-**Approval of Purchase Over $25,000 – Frontline Technologies Group, LLC
Date: June 10, 2026

HISTORY: For the past nineteen years, Frontline Education's ERP/SIS solutions have provided the district with robust Enterprise Resource Planning (ERP) and Student Information System (SIS) capabilities. Each year, the district renews its commitment to these services to ensure continued support and updates.

RATIONALE: To ensure continued support and updates from Frontline, it is in the district's best interest to renew the contract. This renewal will allow stakeholders of Frontline ERP/SIS to submit support tickets as needed and enable the district to receive updates and new modules from Frontline. Additionally, this renewal includes cloud-hosting services. We have been presented with a 36-month option, renewed annually, to ensure we do not see any unplanned increases, as the renewal has been steadily increasing at a rate of 9% every yearly renewal term.

Option A:

ERP/SIS - 36-month (renewed annually)
FY 2027: $104,163.13
FY 2028: $108,329.65
FY 2029: $110,496.25

Option B:

ERP/SIS – Year to Year (9% estimate)
FY 2027: $107,111.14
FY 2028: $116,751.14
FY 2029: $127,258.74

BUDGET IMPACT: Total cost of this renewal for fiscal year 2027 is $104,163.13. Contingent upon the fiscal year 2027 budget adoption.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is for the board to approve option "A" renewal purchase to keep support, updates, and hosting for the Frontline ERP/SIS

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system

For Approval? ☒ Yes ☐ No
If not, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

Exhibit A Frontline Customer Order Form
Q-264349

05/27/2026

550 E. Swedesford Road, Suite 360, Wayne, PA 19087

Customer:	Order Form Details:
San Elizario Independent School District PO BOX 920 SAN ELIZARIO, Texas, 79849-0920 United States **Contact:** Vicente Rodriguez **Title:** Network Administrator **Phone:** (915)872-3935 **Email:** vicrodriguez@seisd.net	**Renewal Specialist:** Christa Fitti **Sale Type:** Renewal **Quote Currency:** USD

Pricing Overview	Amount
Annual Recurring Fees	**$104,163.13**

Annual Recurring Fees Itemized Description	Subscription Start	Subscription End	Amount
Year 1			
Business Solutions	7/01/2026	6/30/2027	$89,185.85
Frontline Hosting Services	7/01/2026	6/30/2027	$12,631.53
Frontline Interface Maintenance & Support	7/01/2026	6/30/2027	$2,345.75
Year 2			
Business Solutions	7/01/2027	6/30/2028	$92,753.28
Frontline Hosting Services	7/01/2027	6/30/2028	$13,136.79
Frontline Interface Maintenance & Support	7/01/2027	6/30/2028	$2,439.58
Year 3			
Business Solutions	7/01/2028	6/30/2029	$94,608.35
Frontline Hosting Services	7/01/2028	6/30/2029	$13,399.53
Frontline Interface Maintenance & Support	7/01/2028	6/30/2029	$2,488.37

550 E. Swedesford Road, Suite 360, Wayne, PA 19087

05/27/2026

Additional Order Form Information

Tax Information

Tax Exemption: Your order may be eligible for a tax exemption. Please ensure we have the most recent tax exemption form on file. Please send your completed exemption form to salestax@frontlineed.com. Otherwise, the appropriate tax will be applied at the time of invoicing.

PO Information

PO Status:

PO #:

Note: If a Purchase Order is required, Customer shall submit the PO to Frontline within ten (10) business days of signing this Order Form by emailing it to billing@frontlineed.com, otherwise a PO shall not be required for payment

550 E. Swedesford Road, Suite 360, Wayne, PA 19087

05/27/2026

Invoicing Schedule	Due Date	Amount
Year 1		**$104,163.13**
Business Solutions	7/31/2026	
Frontline Hosting Services	7/31/2026	
Frontline Interface Maintenance & Support	7/31/2026	
Year 2		**$108,329.65**
Business Solutions	7/31/2027	
Frontline Hosting Services	7/31/2027	
Frontline Interface Maintenance & Support	7/31/2027	
Year 3		**$110,496.25**
Business Solutions	7/31/2028	
Frontline Hosting Services	7/31/2028	
Frontline Interface Maintenance & Support	7/31/2028	

550 E. Swedesford Road, Suite 360, Wayne, PA 19087

05/27/2026

MASTER SERVICES AGREEMENT

This Master Services Agreement is made effective as of the date of the signature below (the "Effective Date") by and between Frontline Technologies Group LLC dba Frontline Education, its subsidiaries and affiliates with an address at 550 E. Swedesford Road, Suite 360, Wayne, PA 19087 (collectively "Frontline"), and the client identified below ("Client"). Frontline and Client are sometimes referred to herein, individually, as a "Party" and, collectively, the "Parties."

By signing below, the Parties agree to be legally bound by the terms and conditions contained in the Frontline Master Services Agreement ("Master Services Agreement", which is available at https://www.frontlineeducation.com/master-services-agreement/ and is incorporated herein by reference. The attached Order Form, exhibits (if any), Statements of Work and the referenced Master Services Agreement are collectively the "Agreement". To place orders subject to this Agreement, at least one Order Form (as defined in the Master Services Agreement) must be incorporated into this Agreement. Client may make future purchases of products and services from Frontline (and its subsidiaries and affiliates) under this Master Services Agreement by executing an Order Form and any future Order Forms without an attached or referenced Master Services Agreement will be deemed subject to this Master Services Agreement. This Agreement constitutes the complete and exclusive statement of the agreement between the Parties with respect to the Software and the Services set forth herein and any other software, products or other services provided by Frontline or any of its affiliates or predecessors prior to the Effective Date. For the avoidance of doubt, this Agreement supersedes any and all prior oral or written communications, proposals, RFPs, contracts, and agreements (including all prior license and similar agreements) and the Parties hereby terminate any such agreements. In the event of a conflict between the provisions of the Terms and Conditions and the provisions of any Statement of Work or any Order Form or any Order Form Terms and Conditions, the provisions of the Statement of Work or Order Form or Order Form Terms and Conditions, as applicable, shall govern, but only with respect to the services forth in the Statement of Work or that particular Order Form.

Frontline Technologies Group LLC dba Frontline Education	**San Elizario Independent School District**
Signature:	Signature:
Name:	Name:
Title:	Title:
Address: 550 E. Swedesford Road, Suite 360 Wayne, PA 19087	Address: PO BOX 920 SAN ELIZARIO, Texas 79849-0920
Email: billing@frontlineed.com	Email:
Effective Date:	

Quote ID Q-245381
01/08/2026

Frontline Education Renewal Notice

Attn: San Elizario Independent School District

Thank you for your continued partnership with Frontline Education. We remain focused on providing you with industry-leading solutions and technology for K-12. As part of the ongoing investment in your solutions, our Learning Center continues to be enhanced to provide access to articles with answers to routine questions 24/7. This includes the ability to create a support request directly from the Learning Center. Additionally, we have enhanced our Learning Center with Frontline Support Communities for many of our solutions, empowering you to collaborate with your peers, our experts and to share best practices with K-12 partners across your region and the country.

Below you will find information about the renewal of your subscription(s) that renew on 7/01/2026. Once you have reviewed the pricing for your upcoming subscription you can either:

- Use this **link** to confirm the renewal of your subscriptions, or
- If you have questions please reach out to your Client Success Manager

Description	Start Date	End Date	Qty	Rate	Amount
Business Solutions	7/01/2026	6/30/2027	1	$107,111.14	$107,111.14
Total					**$107,111.14**

Please use this link to indicate that you intend to renew your subscriptions and request your invoice if needed.

Need assistance? You can reach us by calling Christa Fitti at (610) 727-0433 or by emailing us at renewals@frontlineed.com.

Sarah Stanley
Senior Director, Client Success

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees

From: Jesus Martinez, Executive Director-Support Services
Leo Benitez Jr., Supervisor Support Services and Transportation

Subject: **FY 2027-**Approval of Purchase Over $25,000 – Tyler Technologies Inc.

Date: June 10, 2026

HISTORY: The original agreement between Tyler Technologies Inc. and San Elizario Independent School District was approved by the Board on December 8, 2021 (bus routing software only). An amendment was approved by the Board in February 2023, for added hardware, additional software as a service, data plan for buses and white fleet (a total of 77 vehicles).

RATIONALE: The approval of the purchase order is to pay for the cost of the entire 2026-2027 school year.

BUDGET IMPACT: The total budget amount is $44,965.90 and the funds should be available within the transportation department accounts.

ADMINISTRATIVE RECOMMENDATION: It is recommended that the blanket purchase order be approved to ensure uninterrupted access and use of the transportation management system.

For Approval? ☒ Yes ☐ No

If no, please check one: ☐ Presentation ☐ Report ☐ Information

Please check if applicable: ☒ Attachment Included

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San Elizario, TX 79849
Phone: 915.872.3900
Fax: 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees

From: Jesus Martinez, Executive Director-Support Services
Leo Benitez Jr., Supervisor Support Services and Transportation

Subject: **FY 2027-**Approval of Purchase Over $25,000 – Heist Disposal Service Inc.

Date: June 10, 2026

HISTORY: A blanket PO is created at the beginning of the school year based on our yearly expenditure projections.

RATIONALE: A blanket PO expedites the turnaround of trash disposal at all of our district campuses and facilities. The services are provided throughout the school year. The vendor is familiar with the services and pick up schedules per location.

BUDGET IMPACT: The total budget amount is $44,000.00 and the funds should be available within the Support Services accounts.

ADMINISTRATIVE RECOMMENDATION: It is recommended that the blanket purchase order be approved to address pick up and disposal of trash in a timely manner.

For Approval? ☒ Yes ☐ No
If no, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

San Elizario ISD
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Fax: 915.872.3903

MEMORANDUM

To: Members of the Board of Trustees

From: Jesus Martinez, Executive Director-Support Services
Leo Benitez Jr., Supervisor Support Services and Transportation

Subject: **FY 2027-**Approval of Purchase Over $25,000 – Flyers Energy, LLC

Date: June 10, 2026

HISTORY: A blanket purchase order is created at the beginning of the school year based on our yearly expenditure projections.

RATIONALE: A blanket PO expedites the purchase of fuel for the entire Support Services white fleet. The services will be used to address daily fuel needs.

BUDGET IMPACT: The total budget amount is $30,000.00 and the funds should be available within the Support Services fuel account.

ADMINISTRATIVE RECOMMENDATION: It is recommended that the blanket purchase order be approved to address daily fuel needs.

For Approval? ☒ Yes ☐ No

If no, please check one: ☐ Presentation ☐ Report ☐ Information

Please check if applicable: ☒ Attachment Included

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees

From: Jesus Martinez, Executive Director-Support Services
Leo Benitez Jr., Supervisor Support Services and Transportation

Subject: **FY 2027-**Approval of Purchase Over $25,000 - Flyers Energy, LLC

Date: June 10, 2026

HISTORY: A blanket purchase order is created at the beginning of the school year based on our yearly expenditure projections.

RATIONALE: A blanket PO expedites the purchase of fuel for the entire transportation department fleet. The services will be used to address daily fuel needs.

BUDGET IMPACT: The total budget amount is $122,600.00 and the funds should be available within the Transportation fuel account.

ADMINISTRATIVE RECOMMENDATION: It is recommended that the blanket purchase order be approved to address daily fuel needs.

For Approval? ☒ Yes ☐ No

If no, please check one: ☐ Presentation ☐ Report ☐ Information

Please check if applicable: ☒ Attachment Included

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MEMORANDUM

To: Members of the Board of Trustees

From: Jesus Martinez, Executive Director-Support Services
Leo Benitez Jr., Supervisor Support Services and Transportation

Subject: **FY 2027-**Approval of Purchase Over $25,000 – Far West Services Inc.

Date: June 10, 2026

HISTORY: A blanket PO is created at the beginning of the school year based on our yearly expenditure projections.

RATIONALE: A blanket PO expedites the turnaround of PM's and repairs of all our school bus fleet. The services are provided throughout the school year. The vendor is familiar with the different types of buses we have on our fleet to include the different model years.

BUDGET IMPACT: The total budget amount is $75,000.00 and the funds should be available within the transportation contracted repairs account**.**

ADMINISTRATIVE RECOMMENDATION: It is recommended that the blanket purchase order be approved to address repairs and preventive maintenance in a timely manner.

For Approval? ☒ Yes ☐ No
If no, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

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MEMORANDUM

To: Members of the Board of Trustees
From: Elizabeth Perez, Chief Financial Officer
Subject: Financial Reports – Budget Amendment
Date: June 10, 2026

HISTORY: The District's 2025-2026 budget was officially approved at the June 18, 2025 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 align the budget with the correct function code in the following areas:

- **Budget Alignment**
  - **Function 51 (Facilities Maintenance and Operations):** To decrease function 51 by $83,616 to reconcile functions, and account for costs in the correct function code.
  - **Function 32 (Social Work Services):** To increase function 32 by $12,000 to reconcile functions, and account for costs in the correct function code.
  - **Function 33 (Health Services):** To increase function 33 by $35,000 to reconcile functions, and account for costs in the correct function code.
  - **Function 41 (General Administration):** To increase function 41 by $9,616 to purchase Board room sound equipment and account for costs in the correct function code.
  - **Function 52 (Security and Monitoring Services):** To increase function 52 by $25,000 to reconcile functions, and account for costs in the correct function code.
  - **Function 61 (Community Services):** To increase function 61 by $2,000 to reconcile functions, and account for costs in the correct function code.

BUDGET: The proposed budget amendment can be seen in the attachment enclosed.

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

For Approval? ☒ Yes ☐ No
If no, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT GENERAL FUND	2025-2026 Adopted	2025-2026 Amended	6/10/2026 (a) Budget Alignment	6/10/2026 (b) Board Room Sound Equipment	2025-2026 Proposed
REVENUES	**REVENUES**	**REVENUES**			**REVENUES**
5700 Local and Intermediate Sources	$ 3,093,147	$ 3,093,147			$ 3,093,147
5800 State Sources	31,231,757	31,440,069			$ 31,440,069
5900 Federal Programs	4,305,000	4,305,000			$ 4,305,000
Total Revenues	38,629,904	38,838,216			38,838,216
EXPENDITURES	**EXPENDITURES**	**EXPENDITURES**			**EXPENDITURES**
11 Instruction	19,734,074	19,800,042			19,800,042
12 Instructional Resources and Media Services	67,426	65,926			65,926
13 Curriculum and Instructional Staff Development	859,460	885,673			885,673
21 Instructional Leadership	744,080	774,432			774,432
23 School Leadership	2,102,639	2,132,964			2,132,964
31 Guidance, Counseling and Evaluation Services	1,503,569	1,489,259			1,489,259
32 Social Work Services	50,039	100,039	12,000		112,039
33 Health Services	427,494	439,194	35,000		474,194
34 Student (Pupil) Transportation	1,421,379	1,433,490			1,433,490
35 Food Services	3,310,425	3,311,330			3,311,330
36 Cocurricular/Extracurricular Activities	909,279	1,167,613			1,167,613
41 General Administration	1,707,954	1,872,013		9,616	1,881,629
51 Facilities Maintenance and Operations	5,317,942	5,080,070	(74,000)	(9,616)	4,996,454
52 Security and Monitoring Services	608,150	1,407,824	25,000		1,432,824
53 Data Processing Services	1,170,851	1,175,786			1,175,786
61 Community Services	15,030	15,030	2,000		17,030
71 Debt Service	319,725	283,815			283,815
81 Facilities Acquisition and Construction	0	0			0
99 Other Intergovernmental Charges	51,700	51,700			51,700
Total Expenditures	40,321,216	$ 41,486,201	$ -	$ -	$ 41,486,201
REVENUES OVER(UNDER) EXPENDITURES	$ (1,691,312)	$ (2,647,985)			$ (2,647,985)

San Elizario ISD
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MEMORANDUM

To: Members of the Board of Trustees
From: Nancy Tinoco, Business Specialist
Subject: Authorization to participate in purchasing cooperatives for the 2026-2027 school year
Date: June 10, 2026

HISTORY: Resolutions for participation in the various purchasing cooperatives have been approved by the Board of Trustees prior to conducting business with them. Although annual renewal is not required, we are requesting that the Board of Trustees approve the continued participation in the following purchasing cooperatives:

- Houston-Galveston Area Council Cooperative Purchasing Program (H-GAC)
- BuyBoard Cooperative Purchasing
- Department of Information Resources (DIR)
- Texas Multiple Award Schedule (TXMAS)
- Education Service Center- Region 19 Allied States Cooperative
- West Texas Food Service Cooperative
- Ysleta ISD Inter-local Agreement
- El Paso County Community College Inter-local Agreement
- Texas Industries for the Blind and Handicapped (TIBH Industries)
- Texas Political Subdivisions Inter-local Agreement
- Claims Administrative Services, Inc. (CAS)
- Texas Association of School Boards (TASB)
- TIPS/TAPS The Inter-local Purchasing System
- HCDE Choice Partners Cooperative /Harris County Department of Education
- National Cooperative Purchasing Alliance (NCPA)
- Sourcewell (NJPA)
- TASB Risk Management Fund
- PACE Purchasing Cooperative/Education Service Center, Region 20
- Socorro ISD Inter-local Agreement
- USDA Inter-local Agreement
- Texas Building and Procurement Commission (TBPC)
- Region 4 Education Service Center (Region 4 ESC)

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- Region 6 Education Service Center (ESC-Region 6)
- OMNIA Partners formerly TCPN, National IPA and US Communities
- Central Purchasing Alliance (CTPA)
- Region 19 for USDA/TDA Products & Services

RATIONALE: These various purchasing cooperatives would allow our campuses and departments to purchase resources from any of these purchasing cooperatives while adhering to purchasing requirements.

BUDGET IMPACT: There is no cost associated with entering into these Interlocal Agreements, but the budget will be impacted depending on what resources campuses and/or departments choose to purchase from these purchasing cooperatives.

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to authorize the school district to continue participating in the purchasing cooperatives listed.

For Approval? ☒ Yes ☐ No
If not, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☐ Attachment Included

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MEMORANDUM

To: Members of the Board of Trustees
From: Elizabeth Perez- Chief Financial Officer
Vicente Rodriguez – Executive Director-Technology
Subject: Consider and Possible Board Action to approve Lease Financing Agreement with LEAF Capital Funding, LLC in connection with the New Lease Agreement for Copiers, Duplicators, Equipment and Services with Complete Office Technologies, Inc.
Date: June 10, 2026

HISTORY:

The district's current three-year copy machine and duplicating machine lease will expire on June 30, 2026.

The proposed lease term for the new contract is 48 months, beginning July 1, 2026, and ending June 30, 2030. The quote presented two options for copy machines, including two with color capabilities featuring unlimited black-and-white copies, a per-copy color rate, and upgraded models for all equipment.

Based on equipment usage and accessory needs, Option 2 was recommended. Additionally, the District would like to continue its partnership with Complete Office Technologies, Inc., an awarded vendor under BuyBoard, for the new lease term.

During April 8, 2026, regular Board meeting, the Board approved the proposal to lease the equipment.

ADMINISTRATIVE RECOMMENDATION:

The administrative recommends that the Board of Trustees review, consider and take appropriate action regarding the approval of the Lease Financing Agreement with LEAF Capital Funding, LLC in connection with the New Lease Agreement for copiers, duplicators, equipment and related services with Complete Office Technologies, Inc. Please refer to the attached documentation for additional details.

For Approval? ☒ Yes ☐ No
If not, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

Addendum To Agreement

Reference: Application No. 1110723

This Addendum is made part of the Agreement related to the above referenced application number ("**Agreement**") between **LEAF Capital Funding, LLC** ("**LEAF**") and **San Elizario Independent School District**. ("**Customer**"). Capitalized terms used but not defined will have the meaning given to them in the Agreement. If there is any conflict between the terms of this Addendum and the terms of the Agreement, the terms of this Addendum will control and prevail.

"The originating and installing vendor on this transaction is Complete Office Technologies."

Restating section 1 to read as follows:

"1. LEASE PAYMENTS AND TERM: The Lease is enforceable on you upon your execution. The term of the Lease shall commence on the date the Equipment is delivered to you ("Lease Commencement Date"). The first Lease Payment shall be due on the date we specify in the month following the Lease Commencement Date as set forth in our invoice, and the remaining Lease Payments will be due on the same day of each subsequent month (each, a "Payment Date") until paid in full. The Base Term shall commence on the date one month prior to the first Payment Date. "

4. LEASE EXPIRATION, RENEWAL: Amending section to remove "we may charge a Restocking Fee equal to one Lease Payment"

9. DEFAULT: If you or any guarantor do not pay us any amount within twenty (20) days of its due date, or breach any terms of this Lease, any guaranty or any license relating to the Equipment, you will be in default. If you default, we may require you to do any combination of the following: (a) immediately pay all amounts then due, plus the present value of the remaining Lease Payments, Interim Rent and residual value of the Equipment, as determined by us, discounted at an annual rate of 3%; (b) return all of the Equipment; (c) allow us to repossess the Equipment; or (d) use any and all remedies available to us under applicable law. If you default, you agree to pay the cost of repossession and our attorney's fees and costs. In addition to all other charges and as reimbursement for expenses incurred and not as a penalty, we may require you to reimburse us for the phone calls, letters, and any additional expense incurred in the collection or servicing of this Lease for you. If we take possession of the Equipment, we may sell or otherwise dispose of it with or without notice, at a public or private sale, and apply the net proceeds (after we have deducted all costs related to the sale or disposition of the Equipment) to the amounts that you owe us. You agree that if notice of sale is required by law, 10 days' notice shall constitute reasonable notice. You remain responsible for any amounts that are due after we have applied such net proceeds. We may apply any security deposits to your obligations and if you do not default, the balance will be refunded without interest.
Omitting "residual value of the Equipment as determined by us, discounted at an annual rate of 3%"

13. CHOICE OF LAW: THIS LEASE WILL BE GOVERNED BY TEXAS LAW. YOU CONSENT TO JURISDICTION IN THE STATE OR FEDERAL COURTS IN TEXAS located in or having jurisdiction over El Paso County Texas AND WAIVE ANY RIGHT TO A TRIAL BY JURY.

This Addendum supplements and amends the Agreement only to the extent and in the manner set forth, and in all other respects, the Agreement will remain in full force and effect.

CUSTOMER: San Elizario Independent School District	**LEAF CAPITAL FUNDING, LLC**
By:_____ Print Name:_____ Title:_____ Date:_____	By:_____ Print Name:_____ Title:_____ Date:_____

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MEMORANDUM

To: Members of the Board of Trustees
From: Edgar Ponce, Research & Evaluation Administrator
Subject: Board Monitoring Calendar
Date: June 10, 2026

HISTORY:
The Board of Trustees follows a yearly monitoring calendar to track student progress related to HB 3 requirements. This calendar also shows when campuses are scheduled to present during the year.

RATIONALE:
There is a monitoring calendar for the Board to review and approve. The calendar includes information to monitor iReady, mClass, Interim State Testing and state testing.

Monitoring calendar includes district-level reports in addition to the reports required by HB 3.

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

ADMINISTRATIVE RECOMMENDATION:
It is recommended that the Board review and approve the 2026-2027 Board Monitoring Calendar.

For Approval? ☒ Yes ☐ No
If no, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

Board Monitoring Calendar
2026-2027

Month	HB 3 or other Progress Monitoring--District	Campus Progress Monitoring + Campus Happenings Video
August 2026	Analysis of STAAR/EOC Results from Spring 2026 Testing • Subgroup data TELPAS Results from Spring 2026 Testing • Subgroup data	
September 2026	Goal 3 (HB 3): • Overall CCMR Percentages for SEHS Campus and District Improvement Plans for 2026-2027	SEHS
October 2026	A-F Accountability Ratings for 2026	
November 2026	Goal 1 (HB 3): • Overall Performance in 3rd Grade STAAR Math • Subgroup data	GEMS
January 2027	Goal 2 (HB 3): • Overall Performance in 3rd Grade STAAR Reading • Subgroup data	
February 2027	GPM 1.1 (HB 3) • PK--Meeting Wave 2 Math Targets • PK--Wave 1 to Wave 2 Math Growth • Subgroup data GPM 1.2 (HB 3): • K-2--Meeting Math Targets for MOY • Subgroup data	
March 2027	GPM 1.3 (HB 3): • Grade 3—Meeting Math Targets based on Interim Assessment • Subgroup data Mid-Year Academic Growth Check-in: • PK-HS reading and math academic Interim Assessment Data	Loya Primary
April 2027	GPM 2.1 (HB 3): • PK--Meeting Wave 2 Reading Targets • PK--Wave 1 to Wave 2 Reading Growth • Subgroup data GPM 2.2 (HB 3): • K-2--Meeting Reading Targets for MOY • Subgroup data	Alarcon Elementary

Board Monitoring Calendar
2026-2027

Month	HB 3 or other Progress Monitoring--District	Campus Progress Monitoring + Campus Happenings Video
May 2027	GPM 2.3 (HB 3): • Grade 3—Meeting Reading Targets based on Interim Assessment • Subgroup data	Sambrano Elementary
June 2027	GPM 3.1 (HB 3): • Progress towards meeting CCMR criteria for 2027 cohort	Borrego Elementary

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MEMORANDUM

To: Members of the Board of Trustees
From: Ms. Blanca Cruz, Associate Superintendent
Subject: Consider and possible Board action to approve Memorandum of Agreement between the San Elizario ISD and the Boys & Girls Club of El Paso
Date: June 10, 2026

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, Sr. Elementary, Josefa L. Sambrano Elementary, and Ann M. Garcia-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: During the 2025-2026 school year, the Boys and Girls Club of El Paso served approximately 317 students, with each child completing sixty days or more of attendance. The children are identified and recruited through coordinated consultation with SEISD Leadership.

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

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is for the Board of Trustees to approve the Memorandum of Agreement between the SEISD and the BGCEP to start the afterschool centers for the 2026 – 2027 school year.

For Approval? ☒ Yes ☐ No
If no, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

BOYS & GIRLS CLUBS OF EL PASO

Memorandum of Agreement

This Memorandum of Agreement (Agreement) is entered effective July 13 2026, through July 2, 2027, 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 395 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 4:05 P.M. – 6:30 P.M. at Sambrano 4:05 P.M. – 7:05 P.M. at Alarcon and Borrego and 4:50 P.M. – 7:50 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 Associate 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.

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- 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 2025-2026 school year.
- Work with BGCEP 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 75 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, students from UTEP/EPCC, 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

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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 13, 2026 and shall continue in full force for the 2026-2027 school year through July 2, 2027 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.

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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

_____
Date

Anthony Tomasheski, Chief Executive Officer
Boys & Girls Clubs of El Paso

5/20/26
Date

Approved to form:

_____
_____, SEISD General Counsel

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MEMORANDUM

To: Members of the Board of Trustees
From: Dr. Blanca Cruz, Associate Superintendent, and Ms. Sandra Sanchez, CTE Administrator
Subject: Consider and possible Board action to approve Memorandum of Understanding with Sul Ross State University regarding Dual Credit Academic Agreement
Date: June 10, 2026

HISTORY: This Dual Credit Academic Agreement between San Elizario Independent School District (SEISD) and Sul Ross State University (SRSU) creates an opportunity for our high school students to earn both high school and college credit at the same time. Participation in the Dual Credit Program will require students to complete the required SRSU placement assessments and/or submit SRSU-approved test scores in math, reading, and writing, along with any course-specific placement requirements and prerequisites. These steps ensure students are well prepared and set up for success in their college-level coursework. This collaboration also expands opportunities within Career and Technical Education (CTE) by allowing students to explore additional career pathways. Together, we are working to strengthen the connection between secondary and post-secondary education and create a smoother transition for our students as they pursue their academic and career goals. Specific pathways will be determined and, once finalized, presented to the board for approval. San Elizario High School, in collaboration with CTE, will provide all required college textbooks and instructional materials to support student success.

RATIONALE: The purpose of the Agreement is to foster a partnership between SEISD and SRSU. This collaboration will expand opportunities for our students to earn dual credit in both academic and Career and Technical Education pathways, while strengthening the connection between secondary and post-secondary education.

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

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is for the Board to approve the agreement so that our students in San Elizario ISD can have another opportunity to explore career pathways and earn college credit.

For Approval ☒ Yes ☐ No
If not, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

Memorandum of Understanding
Dual Credit Academic Agreement
Between
San Elizario Independent School District
and
Sul Ross State University

This Dual Credit Institutional Agreement is entered into and between Sul Ross State University ("University"), a member of the Texas State University System, and San Elizario Independent School District, either a Texas independent school district contracting on behalf of its high school(s), or a private high school, or a home-schooled student ("School"), to facilitate the cooperation between the University and the School in the provision of dual credit courses for the School.

Purpose

In accordance with the rules and regulations of the Texas Higher Education Coordinating Board (THECB), Sul Ross State University offers college credit courses in approved core curriculum courses for dual credit high school students. If the School approves these college courses for dual credit, high school students meeting both the School and University admission requirements may enroll in these courses and may receive college and high school credit simultaneously.

Dual Credit Program Goals

As outlined in the Sul Ross State University Plan: Strategies for the Second Century 2017-2022, under the section Strategies—Goal 1: Promote Growth in Academic, Research, and Artistic Excellence; Objective 1: Develop new or build on existing learning programs (including distance education programs) to create expanded opportunities to "learn by doing" across the curriculum,, emphasizing tangible skills for lifelong learning and preparations to contribute to 21st century society; Strategy 6: Improve technical support in distance learning to include online/web based learning and teleconference instruction, the dual credit program agrees to provide opportunities and build relationships with area and state wide districts.

The University will provide informal sessions to inform all students and parents of the benefits and enrollment requirements.

The University and the School will post the most current dual credit program information including the MOU to their respective websites.

The University and the School will host regular, as needed, sessions for high school counselors regarding any changes to the Texas Administrative Code, the University availability of offerings, or any changes needed to the MOU.

The University and the School will assist the students in the successful transition to and acceleration through postsecondary education.

The University and the School will ensure the students receive academic and college readiness advising with access to academic student support services.

The University's selection process for faculty will ensure that the quality and rigor of dual credit courses will be sufficient to ensure student success in subsequent courses.

Eligible Courses

Dual Credit specific core curriculum courses, lower-level foreign language courses, and major specific courses on the official course inventory for Sul Ross State University are available for dual credit.

The availability of eligible dual credit courses each semester is determined by the availability of University resources, including but not limited to open seats in on-campus sections, faculty, smart rooms (for delivery of two-way interactive video), and compatible meeting times. The University will email proposed course schedules to allow the opportunity for schedule adjustments (particular classes, days, and times).

The School is responsible for determining that the dual credit course meets the essential skills and knowledge required by the Texas Education Agency.

*All courses are 3 credit hours unless noted otherwise.

Crosswalk for Sul Ross State University and the School/District

Please refer to the University's website for a comprehensive list of the University's course inventory. It is the School/District's responsibility to identify and map a crosswalk for all University courses and the school/district equivalent.

Student Eligibility for Dual Credit Enrollment

A high school student is eligible to enroll in dual credit courses if they:

1. Meet their high school or district's dual credit requirements.
2. Satisfy course prerequisites.
3. Obtain permission from both their school and a parent/guardian.
4. Provide proof of bacterial meningitis vaccination or exemption if the student is attending classes on the University campus.
5. Demonstrate college readiness as defined in the TSIA requirements below or qualify for an exemption under Texas Success Initiative provisions.

Academic Dual Credit Eligibility (TSI Requirements)

For courses requiring TSI college readiness in English Language Arts and Reading (ELAR):

- **TSIA2 ELAR**: Score 945+ with at least 5 on the essay or score below 945 with an essay score of 5+ and a Diagnostic score of 5-6.
- **STAAR EOC English III**: Minimum score of 4000.
- **ACT**: Composite score of 23 (before Feb 15, 2023) or 40 (after Feb 15, 2023) on the English and Reading tests.
- **SAT**: Minimum EBRW score of 480 (after 03/05/2016).

For courses requiring TSI college readiness in mathematics:

- **TSIA2 Mathematics**: Minimum score of 950, or below 950 with a Diagnostic score of 6.
- **STAAR EOC Algebra II**: Minimum score of 4000.
- **ACT**: 19 (before Feb 15, 2023) or 22 (after Feb 15, 2023) on the math test.
- **SAT**: Minimum score of 530 on the math test (after 03/05/2016).

Courses Not Requiring TSI Scores: Fine Arts and Communication courses.
Note: All math, English, and intensive reading courses require passing TSI scores.

College Connect Courses

Students who do not pass TSIA in ELAR or Math can enroll in College Connect ENG 1301 or MATH 1314 if they meet these minimum requirements:

College Connect English 1301 Placement:

- Score 910-944 on CRC with an Essay of 5-8, or
- Score 945-990 on CRC

College Connect Math 1314 Placement:

- Score 943-949 on CRC, with Algebra I completed.

Note: College Connect students attend 3 hours of college-level instruction and 2 hours of academic support weekly. A grade of "C" or better clears their TSI status.

TSI Preparation

SRSU provides a TSIA Bootcamp Packet for Math and/or ELAR for participating ISDs for teacher and student use.

District Responsibilities

The School agrees to provide the students with assistance in completing the admission, enrollment, and registration process. The School and student are responsible for ensuring that all required paperwork is submitted before the deadlines. Any packets received after the deadline will not be accepted. Once the completed paperwork has been submitted, the University will register the students in the dual credit classes.

If a student wishes to have a schedule change, it must be done so by the School Liaison who will then submit any necessary paperwork to the University.

If a student drops a course or stops attending classes, it is the responsibility of the School to notify the University as soon as possible in order to withdraw the student without any repercussions. The School representative must initiate the drop. Students will not be allowed to drop a course without the School's consent.

Students enrolled in dual credit courses will be permitted to use personal wireless communication devices during the school day solely for instructional purposes directly related to

their dual credit coursework. Approved uses include accessing digital textbooks, submitting assignments, communicating with college instructors, or participating in online learning platforms required by Sul Ross State University.

Deadlines

All paperwork completed by students must be submitted by the deadlines as published in the University's academic calendar and provided to the school.

Dual Credit Liaisons

Dual credit liaisons are school district contacts that serve as the contact person for the dual credit program on that high school campus. This individual may handle course scheduling, computer lab scheduling for online courses, troubleshooting, etc.

School districts must also assign an in-classroom learning facilitator for courses taught via Distance Learning. Facilitator responsibilities will be mutually agreed upon between each facilitator and course instructor. Course instructors will provide progress reports periodically, as defined by the ISD or as requested by the liaison or facilitator.

The school district will provide dual credit liaison and in-classroom facilitator contact information to the Dual Credit Coordinator.

Location of Classes

Dual credit courses may be offered on the University campus, the School campus, or online via our Learning Management System (LMS), Blackboard.

Student Composition of Class

Dual credit courses may be composed of dual-credit students only or of dual and regularly enrolled college students. The decision to allow non-dual credit high school students into a dual credit course on a high school campus must be approved by the University Provost and must meet one of the following conditions:

1. The course involved is required for completion under the State Board of Education Recommended or Distinguished High School Program graduation requirements, and the high school involved is otherwise unable to offer such a course.
2. The high school credit-only students are College Board Advanced Placement or International Baccalaureate students.

Dual Credit Faculty and Dual Credit ISD Liaison Responsibilities

Dual Credit Faculty Responsibilities include:

- Establishing a mechanism (i.e., Blackboard, email) for communications with ISD dual credit liaison and classroom facilitator.
- Provide a detailed syllabus outlining expectations, requirements, attendance policy, and grading policy and communicate any changes in the syllabus (i.e., test dates, assignments, and assignment due dates) to the dual credit liaison.
- Inform ISD when planning to be absent or delayed to class.
- Allow absences for school-required state exams and other school related activities (with prior notice), technological issues, or ISD school closures without penalty.
- Provide critical student information when needed as allowed by FERPA rules. This will include informing the liaison of a student's failure to meet expectations, including but not

limited to, potential for a failing grade, excessive absences, and/or unacceptable classroom behavior.
- Dual credit faculty will work with the ISD Liaison and/or classroom facilitator to provide updates on progress if requested by the school in a timely manner.

Dual Credit Liaison responsibilities include:
- Give prior notice to the appropriate Dual Credit Faculty of student absences due to school-related activities.

Faculty Selection, Supervision, and Evaluation

The University shall select instructors for dual credit courses. These instructors must meet the same standards (including minimal requirements of the Southern Association of Colleges and Schools Commission on Colleges) and approval procedures used by the University to select faculty responsible for teaching the same courses at the main campus.

When a dual credit course is offered on the ISD School campus, the instructor must adhere to the University-provided curriculum and syllabus. Teaching materials and/or experiential exercises may be supplemented, but substitutions MUST be approved in advance by the University. The University will supervise and evaluate ISD instructors using the same or comparable procedures used for all faculty.

Course Curriculum, Instruction, and Grading

High school and adjunct instructors agree to adhere to the curriculum provided by Sul Ross State University for dual credit courses. The syllabus and curriculum materials are integral components of the dual credit program and shall not be modified without prior approval from the department chair at Sul Ross State University. Dual credit courses must consistently meet the University's established standards for curriculum, materials, instruction, and the method and rigor of student evaluation. These standards apply uniformly, regardless of the student composition or class location. Any proposed changes to the curriculum or syllabus require timely submission to the department chair for review and approval, ensuring alignment with Sul Ross State University's academic standards and objectives.

Academic Policies and Student Support Services

Regular University academic policies apply to dual credit classes. These policies include, but are not limited to, the distribution of syllabi, the appeal process for disputed grades, the drop policy, and grading policies. These policies may be found in the University catalog and are included herein by reference.

The University will provide academic student support services as follows:
1. Students will be given access to the University library and internet (Lobo Online, email, Blackboard), accorded appropriate privileges, and have adequate library resources convenient for use at the site where dual credit courses are offered.
2. Students enrolled in dual course credit will be provided adequate academic support services including academic advising and career counseling through the University Lobo Den.

Student Code of Conduct

All students enrolled at the University must abide by the standards outlined in the *SRSU Student Handbook*. The handbook can be located on the SRSU website or through the Office of Student Life.

Transcription of Credit

The University will transcript college credit hours earned immediately upon the student's completion of the performance required in the course and report the official college grade to the ISD School registrar. Letter grades only will be awarded for college credit.

Transfer of Courses

SRSU approved core curriculum courses are readily transferable to other public institutions of higher education in Texas. However, since each college has its own policy regarding the transferability and applicability of courses, each student as well as the School, is strongly advised to check with the transferring college or university he/she plans to attend to determine the transferability of SRSU courses.

Texas public colleges and universities generally transfer courses which have common course numbers and designations. For example: ENGL 1301 is a common course that all Texas public colleges and universities carry. If a course does not carry the same number or designation at the transferring institution, it may not transfer. The student should contact that receiving institution for confirmation. A quick reference guide for compatibility within institutions can be located in the Texas Common Course Numbering System (TCCNS), available at https://www.tccns.org/. TCCNS equivalent courses are also designated in the SRSU catalog.

Private and out-of-state institutions will decide which courses will transfer individually. The student must contact the private or out-of-state institution to determine if a course will transfer and how it will be applied.

FAMILY EDUCATION RIGHTS & PRIVACY ACT OF 1974

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (An "eligible student" under FERPA is a student who is 18 years of age or older or who attends a postsecondary institution at any age.)

SRSU administration, counselors, staff, and instructors **are allowed** to communicate with the individual student as well as the dual credit high school liaisons which include the high school counselor, high school administration, and the facilitator regarding student progress, grades, student schedule, student attendance, etc.

SRSU employees are **not allowed** to discuss individual students with anyone, including parents, without a signed FERPA Waiver. SRSU staff will communicate with the high school, where parents may request information from the high school staff regarding students' dual credit courses.

Academic Regulations

SRSU courses offered as dual credit by SRSU faculty or embedded high school faculty, regardless of where they are taught, follow the SRSU academic calendar, syllabus requirements, course outline, grading procedure, FERPA regulations, communication between students,

parents, and ISD administrators, and other instructional and evaluative policies and procedures. Exceptions to this must be approved by the appropriate administrative entities.

District employees and parents shall not influence the grading policies, grading procedures, or other instructional policies of SRSU faculty who teach college courses as dual credit.

Dual credit students may withdraw (drop) from all courses and receive a grade of "W" at any time during the semester on/prior to SRSU/s official drop deadline specified in the academic calendar which can be accessed from SRSU's website. A grade of "F" will be assigned for courses dropped after the deadline specified in the academic calendar. For students who wish to drop a class, it is the student's responsibility to contact the high school liaison before withdrawing from a course. It is the student's and the School's responsibility to verify that the official withdrawal has been initiated and completed.

If a student receives a grade below 'C' in any dual credit course, both the student and the high school agree to initiate an appeal process to seek approval for the student's continued participation in dual credit classes. The appeal will be made to the dual credit program, and both the student and the high school commit to abide by any plan of action recommended by the dual credit program to address academic challenges and support the student's success in future dual credit courses.

The maximum allowable dual credit hours will be determined by the University.

Funding

The School will agree to identify and certify participating students who are eligible for funding through THECB's FAST program.

The University agrees to provide institutional scholarships for non-FAST eligible students that will offset their cost of attendance.

The University will not provide textbooks, other instructional support materials, or transportation.

Dual Credit Transfer Scholarship

- The Scholarship does not require an application.
- An eligible student must have attended Sul Ross State University and passed a minimum of six credit hours in Dual Credit courses.
- Any student deemed eligible is awarded the Dual Credit Continuing Education Scholarship automatically beginning their first term at Sul Ross State University.
- The award is a one-time $1000 scholarship that will be applied evenly between the Fall and Spring semester.
- To qualify for the scholarship, a student must enroll full-time at Sul Ross State University within the academic year following high school graduation or home school certificate.

This Dual Credit Academic Agreement may be altered with written approval by the Superintendent and President or their designees, at least 30 days in advance of the agreement period.

This agreement will become effective on the date both parties agree to accept the conditions set forth in this document and until such time a mutual agreement is made to alter or terminate.

Signature:

Bernie Cantens, Ph.D. Executive Vice President & Provost	Dr. Jeannie Meza-Chavez Superintendent
Date	Date

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: Richard Salcido, Director Special Education
Subject: Consider and possible Board action to approve Special Education Contract Positions: Occupational Therapist and Licensed Specialist in School Psychology
Date: June 10, 2026

HISTORY: To request approval for budget allocations to support specialized student services for the upcoming school year. To ensure compliance with student service requirements and to continue providing high-quality support to students, the following budget allocations are requested for Occupational Therapy and Licensed Specialist in School Psychology.

RATIONALE: These services are essential to meeting the individualized needs of students and maintaining compliance with state and federal special education requirements. The OT contractor is a continuum of providing occupational therapy evaluations and direct services as outlined in student Individualized Education Programs (IEPs). The LSSP will support psychoeducational evaluations, counseling services, behavioral interventions, and other related special education responsibilities. The LSSP was posted for the 2026-2027 school year with no applicants, and the position was filled through a third-party agency. The position was posted again for the 2026-2027 school year with no applicants thus far. Approval of these budget requests will help ensure continuity of services and timely support for students requiring specialized interventions.

BUDGET IMPACT:

- Occupational Therapist (OT) Contract Services: $49,500.00
- Licensed Specialist in School Psychology (LSSP) Contract Services: $49,500.00

ADMINISTRATIVE RECOMMENDATION:

The administrative recommendation is for the Board to approve the Special Education contract services positions: Occupational Therapist and Licensed Specialist in School Psychology.

For Approval? ☒ Yes ☐ No
If not, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☐ 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: Ms. Aggie Reyes, Executive Director of Child Nutrition Services
Subject: Consider and possible Board action to approve policy FFA(LOCAL)
Date: June 10, 2026

HISTORY: The purpose of this memo is to provide updates on the district FFA Local wellness policy with a focus on supporting student health wellness and academic success.

RATIONALE: As part of the district's commitment to maintaining compliance with federal and state requirements, the Wellness policy has been reviewed to ensure alignment with current nutrition standards, physical activity goals, and Wellness promotion practices. The review process included collaboration with district staff, lead Nurse, campus administrators, food service Director, and other stakeholders.

BUDGET IMPACT: No budget impact.

ADMINISTRATIVE RECOMMENDATION: Approval of the updates to FFA Local.

For Approval? ☒ Yes ☐ No
If no, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☐ Attachment Included

PROPOSED REVISIONS

The District shall support the general wellness of all students by implementing ~~measureable~~measurable goals to promote sound nutrition and student health and to reduce childhood obesity.

[See EHAA for information regarding the District's coordinated school health program.]

Development, Implementation, and Review of Guidelines and Goals

The local school health advisory council (SHAC), on behalf of the District, shall review and consider evidence-based strategies and techniques and shall develop nutrition guidelines and wellness goals as required by law. In the development, implementation, and review of these guidelines and goals, the SHAC shall permit participation by parents, students, representatives of the District's food service provider, physical education teachers, school health professionals, school administrators, and members of the public.

[See BDF for required membership of the SHAC.]

Wellness Plan

The SHAC shall develop a wellness plan to implement the District's nutrition guidelines and wellness goals. The wellness plan shall, at a minimum, address:

1. Strategies for soliciting involvement by and input from persons interested in the wellness plan and policy;
2. Objectives, benchmarks, and activities for implementing the wellness goals;
3. Methods for measuring implementation of the wellness goals;
4. The District's standards for foods and beverages provided, but not sold, to students during the school day on a school campus; and
5. The manner of communicating to the public applicable information about the District's wellness policy and plan.

The SHAC shall review and revise the plan on a regular basis and recommend revisions to the wellness policy when necessary.

Nutrition Guidelines

Foods and Beverages Sold

The District's nutrition guidelines for reimbursable school meals and all other foods and beverages sold or marketed to students during the school day shall be designed to promote student health and reduce childhood obesity and shall be at least as restrictive as federal regulations and guidance. [See CO]

~~The District's nutrition guidelines for reimbursable school meals and all other foods and beverages sold or marketed to students during the school day shall be designed to promote student health and reduce childhood obesity and shall be at least as restrictive as~~

~~federal regulations and guidance, except when the District allows an exemption for fundraising activities as authorized by state and federal rules. [See CO and FJ]~~

Foods and Beverages Provided

The District shall establish standards for all foods and beverages provided, but not sold, to students during the school day. These standards shall be addressed in the District's wellness plan.

Wellness Goals

Nutrition Promotion and Education

The District shall implement, in accordance with law, a coordinated school health program with a nutrition education component. [See EHAA] The District's nutrition promotion activities shall encourage participation in the National School Lunch Program, the School Breakfast Program, and any other supplemental food and nutrition programs offered by the District.

The District establishes the following goals for nutrition promotion:

1. The District's food service staff, teachers, and other District personnel shall consistently promote healthy nutrition messages in cafeterias, classrooms, and other appropriate settings.
2. The District shall share educational nutrition information with families and the general public to promote healthy nutrition choices and positively influence the health of students.
3. The District shall ensure that food and beverage advertisements accessible to students outside of school hours on District property contain only products that meet the federal guidelines for competitive foods.
4. The District shall promote healthy eating habits by encouraging student participation in nutritious meal programs and increasing consumption of fruits, vegetables, and milk.

The District establishes the following goals for nutrition education:

1. The District shall deliver nutrition education that fosters the adoption and maintenance of healthy eating behaviors.
2. The District seek ways to build relationships with local producers and strive to build connections and support our local economy.

Physical Activity

The District shall implement, in accordance with law, a coordinated health program with physical education and physical activity components and shall offer at least the required amount of physical activity for all grades. [See BDF, EHAA, EHAB, and EHAC]

The District establishes the following goals for physical activity:

1. The District shall provide an environment that fosters safe, enjoyable, and developmentally appropriate fitness activities for all students, including those who are not participating in physical education classes or competitive sports.

~~1.~~2. The District shall make appropriate training and other activities available to District employees in order to promote enjoyable, lifelong physical activity for District employees and students.

~~2.~~3. The District shall ~~make appropriate after-school physical activity programs available and shall encourage students to participate~~promote mental health safety to all students and employees.

~~3. The District shall encourage students, parents, staff, and community members to use the District's recreational facilities, such as tracks, playgrounds, and the like, that are available outside of the school day. [See GKD]~~

Other School-Based Activities

The District establishes the following goal~~s~~ to create an environment conducive to healthful eating and physical activity and to promote and express a consistent wellness message through other school-based activities:The District shall allow sufficient time for students to eat meals in cafeteria facilities that are clean, safe, and comfortable.

~~1. The District shall allow sufficient time for students to eat meals in cafeteria facilities that are clean, safe, and comfortable.~~

~~2.~~4. ~~The District shall promote wellness for students and their families at suitable District and campus activities~~.

Implementation

The ~~administrator of research and evaluation~~Superintendent shall oversee the implementation of this policy and the development and implementation of the wellness plan and appropriate administrative procedures.

Evaluation

The District shall comply with federal requirements for evaluating this policy and the wellness plan.

Public Notification

The District shall annually inform and update the public about the content and implementation of the wellness policy, including posting on its website copies of the wellness policy, the wellness plan, and the required implementation assessment.

Records Retention

The District shall retain all the required records associated with the wellness policy, in accordance with law and the District's records management program. [See CPC and FFA(LEGAL)]

Note to wellness plan developer(s): *This template is intended to assist your district in the implementation of the District's wellness policy at FFA(LOCAL). Although the District addresses wellness and health services in many ways, this template is provided to satisfy federal requirements related to a school wellness policy. Be sure to delete the bold and/or italicized notes and developer instructions throughout this regulation and revise provisions as appropriate before finalizing your District's wellness plan. The U.S. Department of Agriculture (USDA) directs each state agency during an administrative review to examine the following records: a copy of the current school wellness policy, documentation demonstrating that the policy has been made available to the public, documentation of efforts regarding required community involvement, the most recent assessment on the implementation of the policy, and documentation demonstrating that the most recent assessment on the implementation of the policy has been made available to the public. In this case, the term "policy" includes both the Board-adopted policy at FFA(LOCAL) and the District's wellness plan.*

WELLNESS PLAN

This document, referred to as the "wellness plan" (the plan), is intended to implement policy FFA(LOCAL), which has been adopted by the Board to comply with the requirements for a school wellness policy. [Section 9A(a) of the National School Lunch Act (NSLA), 42 U.S.C. 1758b; 7 C.F.R. Part 210]

[Be sure to refer to your FFA(LOCAL) to determine whether your local school health advisory council (SHAC) is the committee directed by the Board to fulfill the roles listed below. Although not a statutorily required duty of the SHAC, many districts use the SHAC to develop a plan to implement the wellness policy since it is an existing committee required by state law that addresses a variety of health and wellness issues and has a similar composition as the federally required wellness committee.]

STRATEGIES TO SOLICIT INVOLVEMENT

Federal law requires that certain stakeholders be involved in the development, implementation, and periodic review and update of the wellness policy. The District has chosen to use the local school health advisory council (SHAC) to work on behalf of the District to review and consider evidence-based strategies and techniques in order to develop and implement nutrition guidelines and wellness goals as required by federal law. The SHAC will permit the following persons to work with the SHAC on the District's wellness policy and plan: parents, students, the District's food service provider, physical education teachers, school health professionals, Board members, administrators, and members of the public. The SHAC will solicit involvement and input of these other interested persons by:

1. *Inviting stakeholders to participate via newsletters, emails, social media, school announcements, and district websites.*

2. *Collaborate with stakeholders through involvement, feedback, planning, and implementation of the wellness initiatives.*

IMPLEMENTATION

Each campus principal is responsible for the implementation of FFA(LOCAL) and this wellness plan at his or her campus, including the submission of necessary information to the SHAC for evaluation annually.

The Superintendent or designee is the district official responsible for the overall implementation of FFA(LOCAL), including the development of this wellness plan and any other appropriate administrative procedures, and ensuring that each campus complies with the policy and plan.

EVALUATION

At least every three years, as required by law, the District will measure and make available to the public the results of an assessment of the implementation of the District's wellness policy, the extent to which each campus is compliant with the wellness policy, a description of the progress made in attaining the goals of the wellness policy, and the extent to which the wellness policy compares with any state- or federally designated model wellness policies. This will be referred to as the "triennial assessment."

Annually, the District will notify the public about the content and implementation of the wellness policy and plan and any updates to these materials.

The SHAC will consider evidence-based strategies when setting and evaluating goals and measurable outcomes. The SHAC may use any of the following tools for this analysis:

- USDA Food and Nutrition Service https://www.fns.usda.gov
- Centers for Disease Control and Prevention (CDC) https://www.cdc.gov
- WellSAT https://www.wellsat.org

[The USDA Food and Nutrition Service gives the following examples of effective notification within a community: posting the wellness policy on the school or District's website; sending messages to families notifying them of how they may obtain a copy of or otherwise access the policy; posting a copy of the policy at each school site, such as in the front office or main entrance; presenting the information during a meeting with the Parent Teacher Association/Organization, the Board, and other interested stakeholders; and notifying the community through local newspapers or other media. It is strongly recommended that announcements be made available in the languages that reflect the local community. Add to or modify the District's efforts to notify the public as described below.]

PUBLIC NOTIFICATION

To comply with the legal requirement to annually inform and update the public about the content and implementation of the local wellness policy, the District will create a wellness page on its website to document information and activity related to the school wellness policy, including:

1. A copy of the wellness policy [see FFA(LOCAL)];
2. A copy of this wellness plan, with dated revisions;
3. Notice of any Board revisions to policy FFA(LOCAL);
4. The name, position, and contact information of the District official responsible for the oversight of the wellness policy and implementation of this plan;
5. Notice of any SHAC meeting at which the wellness policy or corresponding documents are scheduled to be discussed;
6. The SHAC's triennial assessment; and
7. Any other relevant information.

The District will also publish the above information in appropriate District or campus publications.

[Districts are required to retain the following: the written wellness policy, documentation demonstrating compliance with community involvement requirements, documentation of the triennial assessment, and documentation to demonstrate compliance with the annual public notification requirements.]

RECORDS RETENTION

Records regarding the District's wellness policy will be retained in accordance with law and the District's records management program. Questions may be directed to the Superintendent or designee, the District's designated records management officer.

GUIDELINES AND GOALS

The following provisions describe the District's nutrition guidelines and activities and objectives chosen by the SHAC to implement the Board-adopted wellness goals in policy FFA(LOCAL).

[If one or more of your campuses does not participate in the federal child nutrition programs, modify the text accordingly. A school district's nutrition guidelines must not be more lenient than the federal and state standards, but a district can develop stricter guidelines as appropriate for the needs of the district. Make sure to encompass any stricter guidelines in the section below.]

NUTRITION GUIDELINES

All District campuses participate in the U.S. Department of Agriculture's (USDA's) child nutrition programs, including the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). Federal law requires that the District establish nutrition guidelines for foods and beverages sold to students during the school day on each campus that promote student health and reduce childhood obesity.

The District's nutrition guidelines are to ensure all foods and beverages sold or marketed to students during the school day adhere to all federal regulations and guidance and are designed to promote student health and reduce childhood obesity.

[If your District has additional guidelines listed in FFA(LOCAL) related to nutrition guidelines, describe those below along with the objectives, action steps, and methods to measure implementation of the objectives.]

FOODS AND BEVERAGES SOLD

The District will comply with federal requirements for reimbursable meals. For other foods and beverages sold to students during the school day, the District will comply with the federal requirements for competitive foods. Competitive foods and beverages are not part of the regular meal programs and occur through sales such as a la carte options or vending machines. For purposes of this plan, these requirements will be referred to as "Smart Snacks" standards or requirements. The following websites have information regarding meal and Smart Snacks requirements:

- http://www.fns.usda.gov/school-meals/nutrition-standards-school-meals
- http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks
- http://www.squaremeals.org/Publications/Handbooks.aspx (see the Complete *Administrator Reference Manual* [ARM], Section 20, Competitive Foods)

[If the District has stricter standards/guidelines that are not prohibited by the federal meal program requirements or Smart Snacks standards, such as a prohibition on the sale of diet sodas or on the preparation of food by deep fat frying, include those restrictions here.]

The District has also incorporated the following stricter standards that are not prohibited by federal or state law:

- *Caffeinated beverages sold to High School students is prohibited.*

EXCEPTION—FUNDRAISERS

State rules adopted by the Texas Department of Agriculture (TDA) allow an exemption to the Smart Snacks requirements for up to six days per year per campus when a food or beverage is sold as part of a District fundraiser. [See CO(LEGAL)]

[Determine whether exemptions will be allowed for fundraisers involving food that is not Smart Snacks compliant.]

The District will allow the following exempted fundraisers for the 20__–__ school year:

Campus or Organization	Food / Beverage	Number of Days

OR

The District will not allow exempted fundraisers; all fundraisers will include nonfood items, foods that meet the Smart Snacks standards, or foods that are not intended to be consumed at school.

FOODS AND BEVERAGES PROVIDED

There are no federal or state restrictions for foods or beverages provided, but not sold, to students during the school day. However, each school district must set its own standards. The District will comply with state law, which allows a parent or grandparent to provide a food product of his or her choice to classmates of the person's child or grandchild on the occasion of the student's birthday or to children at a school-designated function. [See CO(LEGAL)]

[Insert local requirements here.

Students from PK-12 are permitted to bring in their own meals and snacks for their own consumption, but due to concerns about food safety and food allergies, food may not be shared between students. Parents are encouraged to send healthy food options that align with the healthy initiatives.

After the school day, all foods and beverages served or sold to students in aftercare meet federal nutrition standards. This policy applies to all after school programs, including those overseen by outside parties (e.g. the YMCA, BGC).

Lauren's Law, as mentioned above, allows a parent or grandparent to bring a food product of his or her choice in the above situations and prohibits a school district from adopting any rule, policy, or program that would prohibit this right. Please consult your local attorney if you wish to impose restrictions on the types of foods and beverages that a parent may bring on the occasion of the student's birthday or to children at a school-designated function.]

~~In addition, the District has established the following local standards for foods and beverages made available to students:~~

~~Elementary school: *(Insert District's local standards or guidelines.)*~~

~~Middle/junior high school: *(Insert District's local standards or guidelines.)*~~

~~High school: *(Insert District's local standards or guidelines.)*~~

MEASURING COMPLIANCE

The District will measure compliance with the nutrition guidelines by reviewing meal reimbursement submissions from the child nutrition department to the TDA, reviewing foods and beverages that are sold in competition with the regular school meals, reviewing items sold as part of approved District fundraisers, and monitoring the types of foods and beverages made available to students during the school day.

NUTRITION PROMOTION

Federal law requires that the District establish goals for nutrition promotion in its wellness policy. The District's nutrition promotion activities will encourage participation in the National School Lunch Program, the School Breakfast Program, and any supplemental food and nutrition programs offered by the District.

[If the District allows marketing of food and beverages to students, the District must allow marketing of only those foods and beverages that meet the competitive foods (Smart Snacks) standards during the school day. This would include advertisements accessible to students during the school day on a school campus, as these terms are defined in the Smart Snacks regulations (the midnight before to 30 minutes after the end of the official school day and all areas of the property under the jurisdiction of the school that are accessible to students during the school day). The regulation does not require schools to immediately replace items that do not meet these standards, but the District should be aware of this requirement. Describe below the District's efforts and plans to ensure compliance, including any phase-in guidelines or any stricter standards for marketing of foods and beverages.]

The District will ensure that any food and beverage advertisements marketed to students during the school day meet the Smart Snacks standards.

The SHAC will monitor this by:

1. *Limiting commercial marketing to only products that meet USDA smart snack nutrition standards.*

2. *Identifying a school official who provides support and assumes responsibility for wellness policy implementation.*

Although the District is not required to immediately remove or replace food and beverage advertisements on items such as menu boards or other food service equipment, or on scoreboards or gymnasiums, the SHAC will periodically monitor these and make recommendations when replacements or new contracts are considered.

In accordance with FFA(LOCAL), the District has established the following goal(s) for nutrition promotion.

[Coordinate the goals listed in this section with those listed in FFA(LOCAL). The remaining sections of this template list two objectives under each goal along with a column for action steps and another column reflecting the methods for measuring implementation. Revise the tables and contents according to the District's needs.]

GOAL: The District's food service staff, teachers, and other District personnel shall consistently promote healthy nutrition messages in cafeterias, classrooms, and other appropriate settings.	
Objective 1: Printed materials promoting healthy foods will be displayed throughout the cafeterias throughout the school day.	
Action Steps	**Methods for Measuring Implementation**
All printed material will be reviewed and approved by the Director of Child Nutrition.	Resources needed: • Seek printed materials to display age-appropriate marketing for students. Measure of success: • Increased participation.
Objective 2: Using Food as a Reward or Punishment	
Action Steps	**Methods for Measuring Implementation**
Prohibit teachers or staff from using food as a reward in classrooms to encourage	Resources needed: • Support and enforcement.

achievement or desirable behavior unless required in an IEP. Prohibit teachers or staff from using food as a punishment in classrooms or cafeterias to correct undesirable behavior with no exceptions.	Measure of success: • Student wellbeing.

GOAL: The District shall share educational nutrition information with families and the general public to promote healthy nutrition choices and positively influence the health of students.	
Objective 1: Community engagement through nutrition and wellness promotions.	
Action Steps	**Methods for Measuring Implementation**
Nutrition education will be offered in the school cafeteria as well as in the classroom with coordination between the food service staff, teachers, and administration. Schools will conduct nutrition education activities and promotions that involve parents, students, staff, and community.	Resources needed: • Community partners Measure of success: • Promote healthy habits that last a lifetime.
Objective 2: Promote water consumption in place of sugary drinks.	
Action Steps	**Methods for Measuring Implementation**
Free drinking water will be available to students in every cafeteria during mealtimes. Water fountains will be maintained in each building so that free water is available throughout the school day for students and staff.	Resources needed: • Post signage promoting benefits of drinking water. Measure of success: • Hydration throughout the day.

GOAL: The District shall ensure that food and beverage advertisements accessible to students outside of school hours on District property contain only products that meet the federal guidelines for competitive foods.	
Objective 1: Promote healthy food and beverage choices for students	
Action Steps	**Methods for Measuring Implementation**
Monitor food and beverage advertisements accessible to students and ensure they	Resources needed: • Trained teachers and staff.

align with the USDA smart snack nutrition standards.	Measure of success: • Overall wellbeing of our students
Objective 2: Promote healthy food and beverage choices for students	
Action Steps	**Methods for Measuring Implementation**
Partner with businesses that align and promote student wellbeing.	Resources needed: • Recruit Partners in Education Measure of success: • Overall wellness of our students.

GOAL: *[List any other goal in the District's FFA(LOCAL) related to nutrition promotion not identified above.]*	
Objective 1: We are proud of the nutritious meals we provide and will take the following steps to encourage participation	
Action Steps	**Methods for Measuring Implementation**
Conduct annual surveys of students and families to learn about their food preferences. Conduct taste tests of new recipes to gather feedback prior to adding them to the menu.	Resources needed: • Find multiple ways to collect information. Measure of success: • Meal participation increase.
Objective 2: Promote Fruits, Vegetables & Milk Consumption	
Action Steps	**Methods for Measuring Implementation**
Display unflavored milk, fresh fruits, and vegetables in the cafeteria line to encourage students to select them as part of their school meal.	Resources needed: • Collaborate with vendors Measure of success: • Meal participation increase

NUTRITION EDUCATION

Federal law requires that the District establish goals for nutrition education in its wellness policy. State law also requires that the District implement a coordinated health program with a nutrition services and health education component at the elementary and middle school levels. [See EHAA]

[Describe how the District implements the state-required coordinated health program component of nutrition education by listing one of the current TEA-approved

coordinated school health programs and describing the setting in which the program is offered.]

In accordance with FFA(LOCAL), the District has established the following goal(s) for nutrition education.

[Coordinate the goals listed in this section with those listed in FFA(LOCAL).]

GOAL: The district shall deliver nutrition education that fosters the adoption and maintenance of healthy eating behaviors.	
Objective 1:	
Action Steps	**Methods for Measuring Implementation**
Students in grades PK-12 receive nutrition education as part of the coordinated health programs and enrichment curriculum, intended to provide them with the knowledge and skills to promote healthy eating habits and protect their health.	Resources needed: • Trained staff Measures of success: • Healthy lifestyles
Objective 2: The District shall provide professional development so that teachers and other staff responsible for the nutrition education program are adequately prepared to effectively deliver the program.	
Action Steps	**Methods for Measuring Implementation**
All food and nutrition services staff shall receive annual training consistent with current USDA professional standards	Resources needed: • Training opportunities Measure of success: • Trained staff

GOAL: Seek ways to build relationships with local producers and strive to build connections and support our local economy	
Objective 1:	
Action Steps	**Methods for Measuring Implementation**
Source locally grown and locally produced food in our meals.	Resources needed: • Local farms Measures of success:

	• Increase fruit and vegetable consumption.
Objective 2:	
Action Steps	**Methods for Measuring Implementation**
Encourage and support hands on learning through school gardens and students visiting local farms to see where food comes from.	Resources needed: • Local farms Measures of success: • Increase fruit and vegetable consumption

PHYSICAL ACTIVITY

The District will implement, in accordance with law, a coordinated health program with physical education and physical activity components and will offer at least the required amount of physical activity for all grades. [See BDF, EHAA, EHAB, and EHAC.]

[Include below how the District will meet the requirements for physical activity as mandated by Education Code 28.002(l)–(l-1), e.g., 30 minutes of daily recess in elementary school grades, a requirement for students at the middle school level to enroll in a physical education or athletics course for at least four semesters, and the like. Note that the USDA Food and Nutrition Service and the Centers for Disease Control and Prevention (CDC) recommend at least 60 minutes of daily physical activity for children and adolescents.]

The following addresses how the District meets the required amount of physical activity:

- *Provide elementary school students 180 minutes of physical education every week throughout the school year.*
- *Provide middle school students 240 minutes of physical education every week throughout the school year.*
- *Provide high school students 240 minutes of physical education every week throughout the school year.*

Federal law requires that the District establish goals for physical activity in its wellness policy.

In accordance with FFA(LOCAL), the District has established the following goal(s) for physical activity.

[Coordinate the goals listed in this section with those listed in FFA(LOCAL).]

GOAL: The District shall provide an environment that fosters safe, enjoyable, and developmentally appropriate fitness activities for all students, including those who are not participating in physical education classes or competitive sports.	
Objective 1:	
Action Steps	**Methods for Measuring Implementation**
All schools will provide physical activity opportunities before and after school for students in all grade levels, this can include physical activity clubs, intramurals, and other activities.	Find and incorporate community partners to provide extended physical activity opportunities for all students and community members.

Objective 2:	
Action Steps	**Methods for Measuring Implementation**
District facilities & playground available for student & community use.	Community engagement & surveys.

GOAL: The District shall make appropriate training and other activities available to District employees in order to promote enjoyable, lifelong physical activity for District employees and students.	
Objective 1:	
Action Steps	**Methods for Measuring Implementation**
Partner with local wellness providers to promote healthy lifestyles for employees and students.	Resources needed: • Parent liaisons identify resources and activities that are appropriate for students and employees. Measures of success: • Track attendance and survey participants.

GOAL: The District will promote mental health safety to all students and employees	
Objective 1:	
Action Steps	**Methods for Measuring Implementation**
Partner with community organizations to provide age-appropriate mental health resources and training. Document training sessions and provide refresher courses as needed.	Resources needed: • Material, trainers, and meeting locations. Measures of success: • Peer support.

SCHOOL-BASED ACTIVITIES

Federal law requires that the District establish goals for other school-based activities in its wellness policy to promote student wellness.

In accordance with FFA(LOCAL), the District has established the following goal(s) as part of its student wellness policy to create an environment conducive to healthful eating and physical activity and to promote and express a consistent wellness message.

[Coordinate the goals listed in this section with those listed in FFA(LOCAL).]

GOAL: The District shall allow sufficient time for students to eat meals in cafeteria facilities that are clean, safe, and comfortable.

[Two studies regarding recommended seat time for children to eat meals are available at http://docs.schoolnutrition.org/newsroom/jcnm/04fall/bergman/bergman2.asp and http://www.andjrnl.org/article/S2212-2672(15)01248-4/fulltext.]

Objective 1:

Action Steps	Methods for Measuring Implementation
Schools will schedule meal periods at appropriate times that meet student needs. Provide students with enough time to consume their meal once seated. Consider recess before lunch in elementary schools.	Resources needed: • Support the correlation between good nutrition and academics. Measures of success: • Increased meal participation, reduced absences and visits to the school nurse.

Localized Policy Manual Update 127

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Update 127 contains local policies that require board action and adoption notification before we can incorporate the revisions into your district's Policy Online® manual. Local policies are completely within the control of each local school board. You may use the draft local policies provided, amend them, or write your own policy to meet your district's unique needs. Your assigned policy consultant[1] is happy to help you with revisions.

Please note that legal framework documents, which may not be adopted by the board, will not be published on Policy Online until the board acts on the local policies or the district specifically requests earlier publication.

What should I do to prepare for board adoption?

1. Log in to Policy Online,[2] select **Local Manual Updates** from the **My Policy Manual** menu, click **Numbered Updates**, then click **UPDATE 127**.
2. Download and save the numbered update resource materials for Update 127.
3. Present the local policies to your board for adoption. Provide your board with the explanatory notes and encourage them to review those along with the local policies.

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

1. Following board action, go to **Numbered Updates**,[3] select the appropriate numbered update, then click **Notify TASB of Board Action**.
2. Fill out and submit the electronic form so we can incorporate the adopted policies into your district's Policy Online manual.
3. If there are additional changes, submit the annotated changes with your adoption notification. Please provide these documents in Word, if possible, rather than a PDF.

Questions?

- For questions about Policy Online, visit the User's Guide[4] or contact pol-support@tasb.org.
- For questions about policy text, contact your district's assigned policy consultant.

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[1] Policy Consultant contact information: https://pol.tasb.org/Member/PolicyConsultant/Details
[2] Policy Online: https://pol.tasb.org/
[3] Policy Online Numbered Updates: https://pol.tasb.org/Member/LocalManualUpdates
[4] Policy Online User's Guide: https://www.tasb.org/resources/policy-online-user-guide

Localized Policy Manual Update 127

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You can download a PDF of this update packet, annotated copies of the local policies, editable local policy text, and more resources under Local Manual Updates on Policy Online®.[1]

Need help? Please contact your policy consultant,[2] or call Policy Service at 800-580-7529 or email policy.service@tasb.org.

Overview

Update 127 includes revisions to legal framework documents based in large part on changes to Administrative Code rules after the 89th Legislative Session. Changes to local policies offered for consideration address the following topics:

- Superintendent nonrenewal
- Term contracts
- Other types of contracts
- Elective instruction
- Gifted and talented students
- Prekindergarten
- Student safety

Other changes are to accommodate restructuring of codes in the DH and DP series of the manual and to delete local policies in the FO series for which District of Innovation exemptions are no longer allowed.

Please see the Explanatory Notes included in this update packet for a description of the specific changes for each policy.

Board action on the local policies included in the update must occur within a properly posted, open meeting of the board. Instructions for placing policy changes on the agenda for board action and keeping minutes are included with the Update 127 materials under Local Manual Updates[3] on Policy Online.

For more guidance on reviewing and adopting TASB numbered updates, including information on incorporating the update into the district's policy manual and maintaining a historical record of policies, please refer to *The Administrator's Guide to Policy Management*,[4] available in the Policy Online Governance and Management Library[5] (TASB login required).

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

Legal framework documents:

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

Local policies:

- Require close attention by the administration and the board
- Reflect the practices of the district and the intentions of the board
- Are changed only by board action (adopt, revise, or repeal)

Keep Your Administrative Regulations Current

Inspect your district's administrative procedures and documents — including exhibits, regulations, handbooks, and guides — that may be affected by Update 127 policy changes. If you need to make changes to the regulations or exhibits contained in your board policy manual, please notify your policy consultant.

The *Regulations Resource Manual*[6] contains model regulations and forms and is available in the Governance and Management Library (TASB login required).

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

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[1] Policy Online: https://pol.tasb.org/
[2] Policy Consultant contact information: https://pol.tasb.org/Member/PolicyConsultant/Details
[3] Local Manual Updates: https://pol.tasb.org/Member/LocalManualUpdates
[4] *The Administrator's Guide to Policy Management*: https://pol.tasb.org/Member/Collections/Details?id=10
[5] Governance and Management Library: https://pol.tasb.org/Member/Collections
[6] *TASB Regulations Resource Manual*: https://pol.tasb.org/Member/Collections/Details?id=21

Instruction Sheet

TASB Localized Policy Manual Update 127

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Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BAA	(LEGAL)	Replace policy	Revised policy
BJA	(LEGAL)	Replace policy	Revised policy
BJCF	(LOCAL)	Replace policy	Revised policy
CAA	(LOCAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CFB	(LOCAL)	No policy enclosed	See explanatory note
CHE	(LEGAL)	Replace policy	Revised policy
CKEA	(LEGAL)	Replace policy	Revised policy
CKEB	(LEGAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
COA	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DC	(LEGAL)	Replace policy	Revised policy
DC	(LOCAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DF	(LEGAL)	Replace policy	Revised policy
DFBA	(LEGAL)	Replace policy	Revised policy
DFE	(LEGAL)	Replace policy	Revised policy
DH	(LEGAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
DH	(EXHIBIT)	DELETE exhibit	See explanatory note
DHA	(LEGAL)	ADD policy	See explanatory note
DHB	(LEGAL)	Replace policy	Revised policy
DHC	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	DELETE policy	See explanatory note
DP	(LOCAL)	DELETE policy	See explanatory note

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Code	Type	Action To Be Taken	Note
DPA	(LEGAL)	ADD policy	See explanatory note
DPA	(LOCAL)	ADD policy	See explanatory note
DPB	(LEGAL)	Replace policy	Revised policy
DPB	(LOCAL)	ADD policy	See explanatory note
DPC	(LEGAL)	ADD policy	See explanatory note
EFA	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBB	(LEGAL)	Replace policy	Revised policy
EHBB	(LOCAL)	Replace policy	Revised policy
EHBCA	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
FA	(LEGAL)	Replace policy	Revised policy
FED	(LEGAL)	Replace policy	Revised policy
FFAC	(LEGAL)	Replace policy	Revised policy
FFEB	(LEGAL)	Replace policy	Revised policy
FFF	(LOCAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
FOA	(LEGAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy
GKD	(LEGAL)	Replace policy	Revised policy
GNC	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 127

San Elizario ISD

ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

All changes to the legal framework provided in this update are currently effective unless otherwise indicated in the explanatory note for that code.

AIA(LEGAL) ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Revisions throughout the A-F Performance Ratings section of this legal framework are due to House Bill 8 from the Second Special Session of the 89th Legislature.

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

Citations have been updated in accordance with redesignated Administrative Code rules.

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Revisions to this legal framework are due to House Bill 8 from the Second Special Session of the 89th Legislature. This legislation repealed some provisions and amended others.

BAA(LEGAL) BOARD LEGAL STATUS: POWERS AND DUTIES

An obsolete cross-reference has been deleted at Discretionary Powers and Duties.

BJA(LEGAL) SUPERINTENDENT: QUALIFICATIONS AND DUTIES

A cross-reference has been updated due to recoding material in the DP series of policies.

BJCF(LOCAL) SUPERINTENDENT: NONRENEWAL

Recommended revisions to this local policy on nonrenewal of a superintendent align with language at DFBB(LOCAL) relating to accommodations of disability and the addition of two nonrenewal reasons included in Update 126 that were related to Senate Bill 12 from the 89th Legislature.

CAA(LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS

A cross-reference in the Note has been updated to reflect changes to the DH series of policies, which are described in more detail below.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

The Federal Acquisition Regulation has increased the micro-purchase threshold limit to $15,000 and increased the simplified acquisition threshold to $350,000. The language under Procurement Methods has been adjusted accordingly.

CE(LEGAL) ANNUAL OPERATING BUDGET

Revisions at Authorized Expenditures are due to House Bill 8 from the Second Special Session of the 89th Legislature. Section 3.006 of the bill amends Education Code 45.105(c-1).

CFB(LOCAL) ACCOUNTING: INVENTORIES

As of July 1, 2025, TEA increased the capitalization threshold to $10,000 to align with changes to the federal definition of equipment. The Financial Accountability System Resource Guide (FASRG) is in the process of being updated to reflect this change to rule 1.2.4.3 Capitalization of Assets.

Our records indicate that the district's capitalization threshold in CFB(LOCAL) is less than $10,000. Districts may continue to use the lower threshold; however, if, after consultation with your auditor and other

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advisors, your district wishes to increase the threshold, please contact your policy consultant for assistance with updates.

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

Citations in the Required Contract Provisions section relating to Energy Companies have been updated after redesignation of the material by House Bill 4595 and to correct a typographical error.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

Substantive revisions are due to rule changes. For readability, additional margin notes have been included. A note has been added under the Required Policies section to point the reader to TCOLE model policies and forms available on the TCOLE website.

CKEB(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

The citation has been corrected at Fit for Duty Review.

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

19 Administrative Code 67.1001(e) has been amended. On page 4, the list at Permitted Expenditures adds items to implement Senate Bill 13 from the 89th Texas Legislature by updating the allowable expenditures from a district's instructional materials and technology allotment.

CNC(LEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

Language has been added from the Texas Administrative Code. The amended provisions regarding safety standards changed requirements that were once placed on manufacturers of school buses to now be requirements for school districts. The citation to the Transportation Code has been removed, as it is not necessary.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

A citation has been corrected at Procurement Training.

CPC(LEGAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

13 Administrative Code 7.125 has been repealed, and separate rules for each retention schedule have been adopted. Citations relating to the TSLAC Retention Schedules have been updated accordingly.

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

The Required Website Postings section has been revised to reflect new statutory and rule requirements for postings, and the format has been modified to provide a clear citation to each requirement. The Note preceding the list has been revised to provide information regarding why the requirements are posted in the order that has been chosen by TASB.

D(LEGAL) PERSONNEL

Restructuring of codes in the DH section and the DP section necessitates an update to the D section table of contents.

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DC(LEGAL) EMPLOYMENT PRACTICES

A cross-reference in the Employment Policies section has been updated to reflect changes to the DP series of policies.

DC(LOCAL) EMPLOYMENT PRACTICES

The cross-reference at Employment Assistance Prohibited has been updated to reflect changes to the DH series of policies. Standard policy language at BJA(LOCAL) notes that the superintendent may delegate responsibilities to other employees of the district but shall remain accountable to the board for the performance of all duties, delegated or otherwise. For this reason, TASB recommends removing "or designee" from the Posting Vacancies section.

DEAA(LEGAL) COMPENSATION PLAN: INCENTIVES AND STIPENDS

House Bill 2, Article 2.20(b) from the 89th Legislature repealed Education Code 48.114 effective September 1, 2026. TASB has opted to include this repeal with Update 127, as it will be the Update closest in time to the effective date.

DF(LEGAL) TERMINATION OF EMPLOYMENT

The cross-reference at Report to Superintendent has been updated to reflect changes to the DP series of policies. We have also updated the cross-reference at Prohibited Classroom Instruction to reflect policy EMB.

DFBA(LEGAL) TERM CONTRACTS: SUSPENSION/TERMINATION DURING CONTRACT

The cross-reference at Report by Principal has been updated to reflect changes to the DP series of policies.

DFE(LEGAL) TERMINATION OF EMPLOYMENT: RESIGNATION

The cross-reference at Report by Principal has been updated to reflect changes to the DP series of policies.

DH(LEGAL) EMPLOYEE STANDARDS OF CONDUCT

Because DHA(LEGAL) has been created to focus on educator ethics, the section by that name has been deleted from this code. In addition, the Duty to Report section of this legal framework has been bolstered with additional text around the duty to report child abuse or neglect.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

The two cross-references to DH(EXHIBIT) have been revised to reflect changes to the DH series of policies, which are described in more detail below.

DH(EXHIBIT) EMPLOYEE STANDARDS OF CONDUCT

This exhibit is being deleted from the manual, and the Educators' Code of Ethics is being recoded to DHA(LEGAL).

DHA(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: EDUCATOR CODE OF ETHICS

This new legal framework has been created to house information relating to the Educators' Code of Ethics. This material has been recoded to clarify that elements 3.8 and 3.9 of the Code of Ethics now form the basis of the reporting requirements for educator misconduct that changed during the 89th Legislature. Prior to Update 127, the Educators' Code of Ethics was housed as an exhibit to the manual at

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DH(EXHIBIT). Because the definitions relating to inappropriate communication and boundaries are from the Code of Ethics, they are now in this new legal framework.

DHB(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO STATE BOARD FOR EDUCATOR CERTIFICATION

The cross-reference at Deadline to Report After Termination or Resignation has been updated to reflect changes to the DP series of policies.

DHC(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: REPORTS TO TEXAS EDUCATION AGENCY

The cross-reference at Deadline to Report has been updated to reflect changes to the DP series of policies. A citation has been corrected in the Contents of Report section.

DP(LEGAL) PERSONNEL POSITIONS

Material at DP(LEGAL) is being recoded to DPA, regarding principals, and DPB, regarding other personnel positions, as the requirements specific to principals have expanded sufficiently to warrant a separate legal framework.

DP(LOCAL) PERSONNEL POSITIONS

To accommodate the restructuring of the DP series due to the requirements specific to principals, this local policy is recommended for deletion. Materials regarding principal qualifications have been moved to a new code at DPA(LOCAL), and the language relating to school counselors has been moved to DPB(LOCAL).

DPA(LEGAL) PERSONNEL POSITIONS: PRINCIPALS

Information relating to principals previously found at DP has been relocated to this new code. In addition, a note relating to the requirement to report child abuse or neglect has been added so all reporting requirements for principals are housed in one location for clarity.

DPA(LOCAL) PERSONNEL POSITIONS: PRINCIPALS

This new code specifically related to principals now houses principal qualification language that was previously at DP(LOCAL). Minor revisions have been made to the text at Qualifications to align with the model job description provided by TASB HR Services. Any posting for a principal position would, at minimum, include the items provided in this list. Other qualifications may be included as provided by the last item in the list.

DPB(LEGAL) PERSONNEL POSITIONS: OTHER PERSONNEL POSITIONS

All information previously at DP(LEGAL) that is not related to principals (now at DPA) and substitutes (now at DPC) has been moved to this legal framework. The School Psychological Services section has been amended to reflect changes in 22 Administrative Code 465.38(b)-(c).

DPB(LOCAL) PERSONNEL POSITIONS: OTHER PERSONNEL POSITIONS

This new policy now houses text relating to school counselors that was previously at DP(LOCAL).

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DPC(LEGAL) PERSONNEL POSITIONS: SUBSTITUTE, TEMPORARY, AND PART-TIME POSITIONS

This new legal framework now houses information formerly in DPB(LEGAL) relating to substitute positions.

EFA(LEGAL) INSTRUCTIONAL RESOURCES: INSTRUCTIONAL MATERIALS

Substantive revisions are due to amendments to 19 Administrative Code 67.1501 and 67.1502 regarding TEA standards for review of instructional materials. Additional revisions have been made for organization and to margin notes to improve clarity and readability.

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

Changes to this policy regarding course offerings in grades 9-12 were needed after amendments to 19 Administrative Code 74.3. Citations have also been updated to conform with the new amendments.

EHBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Revisions to this legal framework are due to amendments to 19 Administrative Code 89.1.

EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Recommended changes at Identification Criteria are the result of amendments to 19 Administrative Code 89.1.

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

Revisions to this legal framework are due to House Bill 8 from the Second Special Session of the 89th Legislature. Please note that the English II end-of-course (EOC) assessment is still a requirement for the 2026 and 2027 graduating classes.

EHDD(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

The FAST Program section has been revised due to amendments to 19 Administrative Code 13.503(a)-(b). Deletions throughout are due to repealed provisions from the Administrative Code.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Revisions throughout this legal framework are due to changes from House Bill 8 from the Second Special Session of the 89th Legislature.

FA(LEGAL) PARENT RIGHTS AND RESPONSIBILITIES

A section prohibiting infringement on parental rights has been added after voters approved Senate Joint Resolution 34 from the 89th Legislature.

FED(LEGAL) ATTENDANCE: ATTENDANCE ENFORCEMENT

Changes regarding sanctions as they relate to truancy prevention measures are due to revisions at 19 Administrative Code 129.1047.

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FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

13 Administrative Code 7.125, which contained all the TSLAC retention schedules, was repealed and replaced with 13 Administrative Code 7.126-.137. Each rule now contains a single retention schedule. The Records of Public School Districts schedule is now located at 13 Administrative Code 7.131. The revision at Records in the section on the Maintenance and Administration of Epinephrine Delivery Systems reflects this change. Related revisions also appear in CPC(LEGAL).

FFEB(LEGAL) COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

The cross-reference in the Exception: Court Order section has been updated to reflect changes to the DP series of policies.

FFF(LOCAL) STUDENT WELFARE: STUDENT SAFETY

The definition of misconduct has been amended to include provisions from Senate Bill 571 from the 89th Legislative Session. The misconduct definition has also been reformatted to improve readability.

FM(LEGAL) STUDENT ACTIVITIES

In the Limits on Participation and Practice section, "one activity" has been revised to "two activities" due to amendments to 19 Administrative Code 76.1001(d).

FOA(LEGAL) STUDENT DISCIPLINE: REMOVAL BY TEACHER OR BUS DRIVER

At Appeals, a citation error has been corrected, and margin notes have been added to assist with clarity and readability.

GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

A citation in the Tobacco and E-Cigarettes section has been updated after 20 U.S.C. 7183 was redesignated to 20 U.S.C. 7973.

GKD(LEGAL) COMMUNITY RELATIONS: NONSCHOOL USE OF SCHOOL FACILITIES

Substantial revisions have been made regarding Facilities Use by Religious Organizations based on Senate Bill 2986 from the 89th Legislature.

GNC(LEGAL) RELATIONS WITH EDUCATIONAL ENTITIES: COLLEGES AND UNIVERSITIES

19 Administrative Code 9.141-9.144, 9.146, and 9.147 have been repealed, which led to substantive changes to this legal framework. Provisions that are duplicative of those in EHDD(LEGAL) have been deleted.

Accreditation

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

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

Statuses

The commissioner shall determine criteria for the following accreditation statuses:

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

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

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

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

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

Annual Evaluation

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

1. Shall evaluate and consider performance:

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

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

2. May evaluate and consider:

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

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

(2) High school graduation requirements; or

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

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

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

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

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

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

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

Notice of Status

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

To Parents and Property Owners

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

ing to address the areas of deficiency identified by the commissioner. The district's notice shall use the format and language determined by the commissioner.

The district's notice must:

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

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

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

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

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

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

To TEA

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

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

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

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

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

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

19 TAC 97.1055(f)

Performance Indicators

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

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

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

Education Code 39.053(a-1)

Achievement Indicators

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

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

Education Code 39.053(c)

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

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

A-F Performance Ratings

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

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

An overall or domain performance rating of:

A reflects exemplary performance.

B reflects recognized performance.

C reflects acceptable performance.

D reflects performance that needs improvement.

F reflects unacceptable performance.

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

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

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

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

The commissioner shall make the information above available as soon as reasonably possible in years in which the standards are modified or recalibrated or in which a new assessment instrument is offered.

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

Assignment of Not Rated

Reasons for Assignment

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

1. The district or campus is located in an area that is subject to a declaration of a state of disaster under Government Code Chapter 418 and due to the disaster, performance indicators for the district or campus are difficult to measure or evaluate

and would not accurately reflect quality of learning and achievement for the district or campus;

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

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

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

Education Code 39.054(a-4)

No Statewide Assignment

The commissioner may not assign an overall performance rating of "Not Rated" to all school districts or all campuses on a statewide basis. *Education Code 39.054(a-6)*

Calculating Consecutive Years

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

Continuation of Interventions or Sanctions

Any interventions or sanctions to which a district or campus is subject under Education Code Chapter 39A shall continue during a period in which the district or campus is assigned an overall performance rating of "Not Rated." *Education Code 39.054(a-5)*

Acceptable Performance

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

D Rating

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

Appeal and Revision

The process and timeline by which a district or campus may appeal ratings are based upon the requirements described in the *Accountability Ratings Appeals Process and Timeline* adopted under 19 Administrative Code 97.1002 and apply to all accountability rating appeals from 2023 and beyond until otherwise updated. The calendar dates for the accountability year will be announced in conjunction with the release of preliminary accountability ratings. *19 TAC 97.1002(b)*

Ratings may be revised as a result of investigative activities by the commissioner as authorized under Education Code 39.003. *19 TAC 97.1002(c)*

Local Accountability System

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

Local Accountability Plan

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

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

Plan Components

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

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

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

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

Campuses without STAAR or State Ratings

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

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

19 TAC 97.1003(b)(3)

Campus Performance Ratings

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

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

Education Code 39.0544(e)

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

Submission and Audit Standards

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

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

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

A district is required to submit a local accountability plan that includes components, domains, and overall scaled scores and ratings to TEA on a timeline determined by the commissioner. The timeline will be published on the TEA website.

All scaled scores and letter grades submitted by a school district are subject to audit. Any data discrepancies or any indication that data have been compromised may result in verification and audit of district and campus data used to assign local accountability ratings. The audit process may include requests for data used for campus-level calculation of component and domain scaled scores.

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

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

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

Scorecard and Website

A district must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings. The campus scorecard shall include, at a minimum, the scaled score and rating for each component and domain along with the overall rating. A link to the local accountability ratings posted by the district must be pro-

vided to TEA and may be included on the agency-developed school report card. *19 TAC 97.1003(g)*

Appeal and Revision

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

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

Distinction Designations for Outstanding Performance

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

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

Education Code 39.201

Academic Distinction

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

Campus Distinction

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

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

Education Code 39.203

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

Excellence Exemptions

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

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;
2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
3. A requirement, restriction, or prohibition relating to:
    a. Curriculum essential knowledge and skills or high school graduation requirements;
    b. Public school accountability;
    c. Extracurricular activities;
    d. Health and safety;
    e. Purchasing;
    f. Elementary class size limits;
    g. Removal of a disruptive student from the classroom;
    h. At-risk programs;
    i. Prekindergarten programs;
    j. Rights and benefits of school employees;
    k. Special education programs; or
    l. Bilingual education programs.

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

Education Code 39.232

District Annual Report

The board shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. *Education Code 39.306(a)*

Texas Academic Performance Report (TAPR)

The performance report provided by the Texas Education Agency (TEA) under Education Code 39.306 shall be termed the Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The district may not alter the report provided by TEA. However, the district may concurrently provide additional information to the public that supplements or explains information in the TAPR.

19 TAC 97.1008(a)-(b), (e); Education Code 39.306(d)

Other Annual Report Information

The annual report must also include:

1. Campus performance objectives established under Education Code 11.253 and the progress of each campus toward those objectives, which shall be available to the public;
2. Information indicating the district's accreditation status and identifying each district campus awarded a distinction designation or considered an unacceptable campus under Education Code Chapter 39A;
3. The district's current special education compliance status with the agency;
4. A statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);
5. Information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and

8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

The report must include a statement of the amount, if any, of the district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents. *Education Code 39.306(g)*

The report must also include the number of school counselors providing counseling services at each campus. *Education Code 39.306(d-1)*

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;

2. Financial information, including revenues and expenditures;

3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;

4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and

5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

Supplemental information to be included in the reports shall be determined by the board. *Education Code 39.306(b)*

Public Hearing

The board shall hold a hearing for public discussion of the report. The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. *Education Code 39.306(c)*

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. *19 TAC 97.1008(c)*

Publication

The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. *19 TAC 97.1008(d)*

The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. *Education Code 39.306(c); 19 TAC 97.1008(f)*

Report Uses

The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. *Education Code 39.307*

Campus Performance Report

Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.

Distribution

The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.

The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.

Education Code 39.305; 19 TAC 97.1007

Performance of Students Receiving Special Education Services

At least once each year, the board shall include during a public meeting a discussion of the performance of students receiving special education services at the district.

TEA shall adopt a set of performance indicators for measuring and evaluating the quality of learning and achievement for students receiving special education services at the district to be considered at a meeting held under this section. The indicators must include performance on the college, career, or military readiness outcomes described by Education Code 48.110.

Education Code 29.0012

Website Notices

Not later than the 10th day after the first day of instruction of each school year, a district that maintains an internet website shall make the following information available:

1. The information in the most recent campus report card for each campus in the district;
2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on commissioner rule.

Education Code 39.362

Student Performance Report

Each year, TEA shall report to a district whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

Notice to Parents

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

Notice to Teachers and Students

A district shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and

2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

Education Code 39.304

Quality of Learning Indicators

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports. Performance on the indicators shall be evaluated in the same manner provided for evaluation of the achievement indicators under Education Code 39.053(c) [see Achievement Indicators, AIA].

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];

2. The results of the SAT, ACT, and certified workforce training programs;

3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;

4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;

5. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211 [see EHBC] after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the subsequent school year on the state assessments;

6. The percentage of students of limited English proficiency exempted from the administration of an assessment;

7. The percentage of students in a special education program assessed through alternative assessment instruments;

8. The percentage of students who satisfy the college readiness measure;

9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;

11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301(a)-(c)

Federal Report Card

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

Minimum Requirements

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;

2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and

3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

20 U.S.C. 6311(h)(2)

District Data on Academic Achievement

On request by the board, TEA shall create a website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:
    a. Student academic achievement and growth;
    b. Teacher and student attendance; and
    c. Student discipline records; and
2. Be updated at least once each quarter of the school year.

The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

A district must provide requested information to the commissioner for the creation of the website. Confidential information received by the commissioner remains confidential. The commissioner shall design the website to ensure that public information is made available to the public, and information submitted by districts noted as confidential is not made available to the public.

A request for public information under this provision shall be submitted to the district that provides the agency with the information. TEA may not release information submitted by a district that is noted as confidential information.

Education Code 11.1516

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Interventions and Sanctions for School Districts

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

Grounds for Commissioner Action

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

Education Code 39A.001

Authorized Commissioner Actions

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

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

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

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

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

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

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of Accreditation

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

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

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

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

Education Code 39A.005

Intervention to Improve High School Completion Rate

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

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

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

Education Code 39A.007

Interventions after Certain D Ratings

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

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

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

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

Education Code 39A.118

Certain D-Rating Improvement Plans

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

The district or campus shall:

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

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

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

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

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

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

19 TAC 97.1061(b)

Management of a Campus

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

District Action Required

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

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

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

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

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

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

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

19 TAC 97.1061(a), (d), (f)-(j)

Campus Intervention Team

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

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

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

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

19 TAC 97.1063(b)-(c)

On-Site Needs Assessment

A campus intervention team shall:

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

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

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

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

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

Recommendations

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

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

Education Code 39A.054

Targeted Improvement Plan

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

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

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

Notice of Public Meeting

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

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspa-

pers or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(e)(3)(A)(ii)*

Public Hearing

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

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

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

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

Education Code 39A.057

Submission to Commissioner

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

Executing Plan

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

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

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

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

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

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

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

Education Code 39A.060

Local Improvement Plan

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

A local improvement plan must be presented to the board.

Education Code 39A.065(a)-(b)

Campus Planning and Site-Based Decision-Making

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

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

Education Code 39A.061

Submission of Campus Improvement Plan

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

Compliance Through Federal Accountability

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

Campus Turnaround Plan

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

Updated Targeted Improvement Plan

A campus intervention team shall assist the campus in:

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

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

Education Code 39A.101

Public Notice

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

Submission and Approval

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

Implementation, Modification, and Withdrawal

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

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

Change in Circumstances

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

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

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

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

Commissioner Authority

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

19 TAC 97.1064(j)-(m)

Required Contents

A campus turnaround plan must include:

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

c. Academic credit and promotion criteria; and

d. Programs to serve special student populations;

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

a. The term of the charter; and

b. Information on the implementation of the charter;

4. Written comments from:

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

b. Parents; and

c. Teachers at the campus;

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

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

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

Implementing Entities

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

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

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

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

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

Education Code 39A.102, .108

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;
3. Operation of the campus by an entity with which the district contracts under Education Code 11.174; or
4. Closure of the campus.

Education Code 39A.107; 19 TAC 97.1065

Preparation

Unless the district is not required to implement the district’s campus turnaround plan [see Subsequent Acceptable Performance Rating, below], following approval of a campus turnaround plan by

the commissioner, the district, in consultation with the campus intervention team, shall take any actions needed to implement 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

Subsequent Acceptable Performance Rating

If a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating subsequent to the order, the district is no longer required to implement the campus turnaround 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 commis-

sioner order specific authorized action other than the specific action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board.

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

Repurposing of Closed Campus

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

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

Student Enrollment and Assignment

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

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

Noncontracted Repurposed Campus

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

Enrollment Provision in Contract

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

Education Code 39A.113; 19 TAC 97.1066

Targeted Technical Assistance

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

Alternative Management

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

The superintendent, upon appointment, immediately assumes all powers, duties, rights, and responsibilities of the superintendent of the district to which the superintendent is appointed.*19 TAC 97.1073(f)*

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(i)*

A board member appointed under 19 Administrative Code 97.1073(h)(4) must complete the training required in this provision prior to or within 10 days of the appointment. Failure to do so may result in the removal of the board of trustees member from the board of managers. *19 TAC 97.1073(j)*

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

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)*

ACE Turnaround Plan

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 D or F, or an overall performance rating under Education Code 39.054(a-4)(1) (following declaration of disaster) or 39.0546 (COVID-19 recovery) of "Not Rated," for three years over a 10-year period of time. *Education Code 29.934(a)-(b)*

Strong Foundations Intervention

Notwithstanding 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 language arts 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 97.1001 [see AIA] according to the criteria and requirements in 19 Administrative Code 97.1071(e)-(g).

In addition to determination levels, the commissioner shall develop a system of cyclical monitoring to ensure every district participates in general supervision activities. Based on a district’s assigned de-

termination level, as part of its cyclical monitoring process, or as part of compliance monitoring activities, a district may be required to implement and/or participate in:

1. Focused self-analysis of district data and program effectiveness;
2. Focused remote and/or on-site review;
3. Required stakeholder engagement;
4. Focused compliance reviews;
5. Strategic support and continuous improvement planning; and/or
6. Corrective action plan development.

The commissioner shall notify in writing each district identified for review under this provision as a result of assigned determination level or cyclical selection prior to requiring a district to implement or participate in any activities included in items 1-6 above.

Actions taken under this provision are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1001 and 74.28 and Education Code sections 28.006, 29.062 and 38.003 do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

Actions taken under this provision do not preclude or substitute for other responses to or consequences of program ineffectiveness or noncompliance identified by TEA, such as those described in 19 Administrative Code 89.1076 (relating to Interventions and Sanctions) and expanded oversight, including, but not limited to, frequent follow-up contacts with the district, submission of documentation verifying implementation of intervention activities and/or an improvement plan, and submission of district/program data.

19 TAC 97.1071(e)-(k)

[See AIE for information regarding TEA's process for investigating and issuing findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, and other supervision and monitoring activities under 19 Administrative Code 97.1071(a)-(b).]

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)*

Note: This policy addresses many of the powers and duties of the board set forth in Education Code Chapter 11, Subchapter D. For other powers and duties of the board not listed below, see the applicable policy codes.

Governance

A district is governed by a board of trustees who, as a body corporate, shall oversee the management of the district and ensure that the superintendent implements and monitors plans, procedures, programs, and systems to achieve appropriate, clearly defined, and desired results in the major areas of district operations. *Education Code 11.051(a)*

General Powers and Duties

The trustees constitute a body corporate and in the name of the district may acquire and hold real and personal property, sue and be sued, and receive bequests and donations or other moneys or funds coming legally into their hands.

Except as provided by Education Code 39A.201 and 39A.202 [see AIC], the trustees as a body corporate have the exclusive power and duty to govern and oversee the management of the public schools of the district. All powers and duties not specifically delegated by statute to the Texas Education Agency (TEA) or the State Board of Education are reserved for the board, and TEA may not substitute its judgment for the lawful exercise of those powers and duties by the trustees.

The trustees may adopt rules and bylaws necessary to carry out these powers and duties.

Education Code 11.151(a), (b), (d)

Specific Powers and Duties

In addition to powers and duties under Education Code 11.151 above or other law, the board has the powers and duties provided by Education Code 11.1511(b) below, except as otherwise provided by Education Code 39A.201 or 39A.202. *Education Code 11.1511(a)*

The board shall:

1. Seek to establish working relationships with other public entities to make effective use of community resources and to serve the needs of public school students in the community.
2. Adopt a vision statement and comprehensive goals for the district and the superintendent, and monitor progress toward those goals. [See AE]
3. Establish performance goals for the district concerning the academic and fiscal performance indicators under Education

Code Chapter 39, Subchapters C, D, and J, and any performance indicators adopted by the district. [See AI series]

4. Provide oversight regarding student academic achievement and strategic leadership for maximizing student performance. *Education Code 11.1515* [See AIB]

5. Ensure that the superintendent is accountable for achieving performance results, recognizes performance accomplishments, and takes action as necessary to meet performance goals. [See BJA]

6. Collaborate with the superintendent as set forth at Education Code 11.1512(b). *Education Code 11.1512* [See BJA]

7. Adopt a policy to establish a district- and campus-level planning and decision-making process as required under Education Code 11.251. [See BQ series]

8. Publish an annual educational performance report as required under Education Code 39.306. [See AIB, BQ series]

9. Adopt an annual budget for the district as required under Education Code 44.004. [See CE]

10. Adopt a tax rate each fiscal year as required by Tax Code 26.05. [See CCG]

11. Monitor district finances to ensure that the superintendent is properly maintaining the district's financial procedures and records. [See CF series]

12. Ensure that district fiscal accounts are audited annually as required by Education Code 44.008. [See CFC]

13. Publish an end-of-year financial report for distribution to the community. [See CFA]

14. Conduct elections as required by law. [See BBB series]

15. By rule, adopt a process through which district personnel, students or the parents or guardians of students, and members of the public may obtain a hearing from the district administrators and the board regarding a complaint. [See DGBA, FNG, and GF]

16. Make decisions relating to terminating the employment of district employees employed under a contract to which Education Code Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies. [See DF series]

17. Select the internal auditor if a district employs an internal auditor. The internal auditor shall report directly to the board. *Education Code 11.170* [See DC]

18. Adopt a policy providing for the employment and duties of district personnel. *Education Code 11.1513* [See BJ series, DC series, and DEA series]

19. Limit redundant requests for information and the number and length of written reports that a classroom teacher is required to prepare. The board shall review paperwork requirements imposed on classroom teachers and transfer to existing non-instructional staff a reporting task that can reasonably be accomplished by that staff. *Education Code 11.164* [See DLB]

20. Adopt a cybersecurity policy. *Education Code 11.175* [See CQB]

21. Adopt early childhood literacy and mathematics proficiency plans. *Education Code 11.185* [See EA]

22. Adopt college, career, and military readiness plans. *Education Code 11.186* [See EA]

23. Conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district at an election held for that purpose. *Education Code 11.184* [See CCG]

24. Carry out other powers and duties as provided by the Education Code or other law.

Education Code 11.1511(b), except as noted

Discretionary Powers and Duties

The board may:

1. Issue bonds and levy, pledge, assess, and collect an annual ad valorem tax to pay the principal and interest on the bonds as authorized under Education Code 45.001 and 45.003. *Education Code 11.1511(c)(1)* [See CCA]

2. Levy, assess, and collect an annual ad valorem tax for maintenance and operation of a district as authorized under Education Code 45.002 and 45.003. *Education Code 11.1511(c)(2)* [See CCG]

3. Employ a person to assess or collect the district's taxes as authorized under Education Code 45.231. *Education Code 11.1511(c)(3)* [See CCG]

4. Enter into contracts as authorized under the Education Code or other law and delegate contractual authority to a superintendent as appropriate. *Education Code 11.1511(c)(4)*

5. Require a district's chief business official or curriculum director or a person holding an equivalent position to appear at an executive session of the board or to testify at a public hearing held by the board. *Education Code 11.1511(d)* [See BJA regarding prohibition of superintendent interference]

6. Contract with a public or private entity for that entity to provide educational services for the district. *Education Code 11.157* [See EEL]

7. Charge fees as set forth at Education Code 11.158. *Education Code 11.158* [See FP]

8. Change the name of the district. *Education Code 11.160* [See AB]

9. Adopt rules that require students at a school in the district to wear school uniforms as set forth at Education Code 11.162. *Education Code 11.162* [See FNCA]

10. Adopt rules to keep school campuses, including school libraries, open for recreational activities, latchkey programs, and tutoring after school hours. *Education Code 11.165*

11. Operate a school or program or hold a class on the campus of an institution of higher education as set forth at Education Code 11.166. *Education Code 11.166* [See GNC]

12. Operate a school or program, including an extracurricular program, or hold a class outside the boundaries of the district. *Education Code 11.167* [See GNA]

13. Use the board evaluation tool developed by the commissioner of education. *Education Code 11.182* [See BG]

Note: For restrictions on a board's authority to use district resources for certain purposes, see CE(LEGAL).

For the board's authority related to district property, see CDB and CI.

Qualifications

A person may not be employed as a superintendent unless the person holds an appropriate certificate or permit.

The commissioner may waive the requirement for certification of a superintendent if requested by a district as provided by Education Code 7.056 [see BF]. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate.

A person who is not certified as a superintendent may not be employed by a district as the superintendent before the person has received a waiver of certification from the commissioner. A person may be designated to act as a temporary or interim superintendent for a district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

Education Code 21.003

Duties

A superintendent is the educational leader and chief executive officer of a district. *Education Code 11.201(a)*

The duties of a superintendent include:

1. Assuming administrative responsibility and leadership for the planning, organization, operation, supervision, and evaluation of the education programs, services, and facilities of a district and for the annual performance appraisal of the district's staff.
2. Except as provided by Education Code 11.202 (duties of principal) [see DK and DPA], assuming administrative authority and responsibility for the assignment, supervision, and evaluation of all personnel of a district other than the superintendent.
3. Overseeing compliance with the standards for school facilities. [See CS]
4. Initiating the termination or suspension of an employee or the nonrenewal of an employee's term contract. [See DF series]
5. Managing the day-to-day operations of a district as its administrative manager, including implementing and monitoring plans, procedures, programs, and systems to achieve clearly defined and desired results in major areas of district operations.
6. Preparing and submitting to a board a proposed budget and administering the budget.

7. Preparing recommendations for policies to be adopted by a board and overseeing the implementation of adopted policies.
8. Developing or causing to be developed appropriate administrative regulations to implement policies established by a board.
9. Providing leadership for the attainment and, if necessary, improvement of student performance in a district based on the state's student achievement and quality of learning indicators and other indicators as may be adopted by the commissioner or the board. [See AIA]
10. Organizing a district's central administration.
11. Consulting with the district-level committee. [See BQA]
12. Ensuring:
    a. Adoption of a Student Code of Conduct [see FO] and enforcement of that Code of Conduct; and
    b. Adoption and enforcement of other student disciplinary rules and procedures as necessary.
13. Submitting reports as required by state or federal law, rule, or regulation, and ensuring that a copy of any report required by federal law, rule, or regulation is also delivered to the Texas Education Agency (TEA).
14. Providing joint leadership with a board to ensure that the responsibilities of the board and superintendent team are carried out; and
15. Performing any other duties assigned by action of a board.

Education Code 11.201(d)

In addition, a superintendent shall, on a day-to-day basis, ensure the implementation of the policies created by the board. *Education Code 11.1512(a)*

Collaboration with the Board

A board and a superintendent shall work together to:

1. Advocate for the high achievement of all district students;
2. Create and support connections with community organizations to provide community-wide support for the high achievement of all district students;
3. Provide educational leadership for a district, including leadership in developing the district vision statement and long-range educational plan [see AE];

4. Establish district-wide policies and annual goals that are tied directly to the district's vision statement and long-range educational plan;

5. Support the professional development of principals, teachers, and other staff; and

6. Periodically evaluate board and superintendent leadership, governance, and teamwork.

Education Code 11.1512(b)

Prohibited Interference

A superintendent may not interfere with an appearance or testimony of specified district personnel required by the board. *Education Code 11.1511(d)* [See BAA]

Certification of Compliance With Certain Laws

Do Not Hire Registry

Each year, the superintendent shall certify to the commissioner that the district has complied with the requirements of Education Code 22A.151 (registry of persons not eligible for employment in or provision of services to educational entities). *Education Code 22A.151(g)*

Diversity, Equity, and Inclusion and Instructional Prohibitions

Not later than September 30 each year, the superintendent shall certify to TEA that the district is in compliance with Education Code 39.008, 11.005, and 28.0022. *Education Code 39.008(a)* [See BT(LEGAL) for provisions related to certification requirements.]

Testimony Before SBOE

If the commissioner finds against a school district under Education Code 7.057 in at least five grievances to which that section applies involving the district during the school year, the superintendent must appear before the SBOE to testify regarding the commissioner's findings and the frequency of grievances against the district. *Education Code 26A.004*

Reasons

The Board's decision not to renew the Superintendent's contract shall not be based on the Superintendent's exercise of Constitutional rights or based unlawfully on race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Reasons for the nonrenewal of the Superintendent's contract shall be:

1. Deficiencies pointed out in evaluations, supplemental memoranda, or other communications.
2. Failure to fulfill duties or responsibilities.
3. Incompetency or inefficiency in the performance of duties.
4. Insubordination or failure to comply with Board directives.
5. Failure to comply with Board policies or administrative regulations.
6. Failure of the District to make measurable progress toward the goals stated in the District improvement plan. [See BQ]
7. Conducting personal business during school hours when it results in neglect of duties.
8. Drunkenness or excessive use of alcoholic beverages; or possession, use, or being under the influence of alcohol or alcoholic beverages while on District property, while working in the scope of the employee's duties, or while attending any school- or District-sponsored activity.
9. The illegal possession, use, manufacture, or distribution of a controlled substance, a drug, a dangerous drug, hallucinogens, or other substances regulated by state statutes.
10. Failure to meet the District's standards of professional conduct.
11. Failure to report to the Board any arrest, indictment, conviction, no contest or guilty plea, or other adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL). [See DH]
12. Conviction of or deferred adjudication for any felony, any crime involving moral turpitude, or other offense listed at DH(LOCAL); or conviction of a lesser included offense pursuant to a plea when the original charged offense is a felony. [See DH]
13. Failure to comply with reasonable District requirements regarding advanced coursework or professional improvement and growth.

14. Disability, not otherwise protected by law, that prevents the Superintendent from performing the essential functions of the job, with or without reasonable accommodation.

15. Any activity, school-connected or otherwise, that, because of publicity given it or knowledge of it among students, faculty, or the community, impairs or diminishes the Superintendent's effectiveness in the District.

16. Any breach by the Superintendent of an employment contract or any reason specified in the Superintendent's employment contract.

17. Failure to maintain an effective working relationship, or maintain good rapport, with parents, the community, staff, or the Board.

18. Behavior that presents a danger of physical harm to a student or other individuals.

19. Assault on a person on District property or at a school-related function, or on an employee, student, or student's parent regardless of time or place.

20. Use of profanity in the course of performing any duties of employment, whether on or off District premises, in the presence of students, staff, or members of the public, if reasonably characterized as unprofessional.

21. Falsification of records or other documents related to the District's activities.

22. Falsification or omission of required information on an employment application.

23. Misrepresentation of facts to the Board or other District officials in the conduct of District business.

24. Failure to fulfill or maintain requirements for Superintendent certification, unless granted a waiver by the commissioner of education.

25. Any attempt to encourage or coerce a child to withhold information from the child's parent or from other District personnel.

26. Any reason that makes the employment relationship void or voidable, such as a violation of federal, state, or local law.

27. Engaging in or assigning to another individual, whether intentionally or knowingly, an instruction, guidance, activities, or programming prohibited by law. [See EMB]

28. Engaging in or assigning to another individual, whether intentionally or knowingly, diversity, equity, and inclusion duties prohibited by law.

29. Any reason constituting good cause for terminating the contract during its term.

Notice of Proposed Nonrenewal

If the Board determines that the Superintendent's contract should be considered for nonrenewal, the Board shall deliver to the Superintendent written notice of the proposed nonrenewal in accordance with law.

Request for Hearing

If the Superintendent desires a hearing after receiving notice of the proposed nonrenewal, the Superintendent shall notify the Board in writing not later than the 15th day after receiving the notice. When the Board receives a timely request for a hearing on proposed nonrenewal, the hearing shall be held not later than the 15th day after receipt of the request, unless the parties mutually agree to a delay. The Superintendent shall be given notice of the hearing date as soon as it is set.

Hearing Procedure

Unless the Superintendent requests that the hearing be open, the hearing shall be conducted in closed meeting with only the members of the Board, the Superintendent, their chosen representatives, and such witnesses as may be called in attendance. Witnesses may be excluded from the hearing until called to present evidence. The Superintendent and the Board may each be represented by a person designated in writing to act for them. Notice, at least five days in advance of the hearing, shall be given by each party intending to be represented, including the name of the representative. Failure to give such notice may result in postponement of the hearing.

The conduct of the hearing shall be under the presiding officer's control and shall generally follow the steps listed below:

1. After consultation with the parties, the presiding officer shall impose reasonable time limits for presentation of evidence and closing arguments.

2. The hearing shall begin with the Board's presentation, supported by such proof as it desires to offer.

3. The Superintendent may cross-examine any witnesses for the Board.

4. The Superintendent may then present such testimonial or documentary proofs, as desired, to offer in rebuttal or in general support of the contention that the contract be renewed.

5. The Board may cross-examine any witnesses for the Superintendent and offer rebuttal to the testimony of the Superintendent's witnesses.

6. Closing arguments may be made by each party.

A record of the hearing shall be made so that a certified transcript can be prepared, if required.

Board Decision

The Board may consider only such evidence as is presented at the hearing. After all the evidence has been presented, if the Board determines that the reasons given in support of the recommendation to not renew the Superintendent's contract are lawful, supported by the evidence, and not arbitrary or capricious, it shall so notify the Superintendent by a written notice not later than the 15th day after the date on which the hearing is concluded. This notice shall also include the Board's decision on renewal, which decision shall be final.

No Hearing

If the Superintendent fails to request a hearing, the Board shall take the appropriate action and notify the Superintendent in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent.

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  - for Board members — BBF
  - for employees — DHA
- Financial conflicts of interest:
  - for public officials — BBFA
  - for all employees — DBD
  - for vendors — CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

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Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Any other dishonest act regarding the finances of the District.
13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The Superintendent shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with

law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or a designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards Disclosure

In connection with federal awards, the District shall promptly disclose in writing whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in federal law, including the Civil False Claims Act. This provision applies to any activities or subawards of a federal award. [See CBB]

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

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

Retirement and Insurance Contributions

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

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

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

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

Block Grant Funds

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

Education Department General Administrative Regulations (EDGAR)

Note: For information regarding procurement under state law, see the CH policy series regarding Purchasing and Acquisition and the CV series regarding Facilities Construction.

For additional legal requirements applicable to school nutrition procurement, see COA.

EDGAR means the Education Department General Administrative Regulations (34 C.F.R. 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99). *34 C.F.R. 77.1(c)*

Uniform Guidance (2 C.F.R. 200)

The Department of Education (ED) adopts the Office of Management and Budget (OMB) Guidance in 2 C.F.R. Part 200 Uniform Guidance, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Chapter XXXIV, Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the ED. *2 C.F.R. 3474.1*

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards. *2 C.F.R.200.100(a)(1)*

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

General Compliance

Throughout 2 C.F.R. Part 200, Subparts A through F, the word "must" indicates a requirement. The words "should" or "may" indicate a recommended approach and permit discretion. *2 C.F.R. 200.101(a)(3)*

Mandatory Disclosures

A district must disclose in writing any potential conflict of interest to the federal agency (e.g., ED) or pass-through entity (e.g., TEA) in accordance with the established federal agency policies. *2 C.F.R. 200.112*

A district must promptly disclose whenever, in connection with the federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the federal agency, the agency's Office of Inspector General, and pass-through entity (if applicable). Districts are required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance). *2 C.F.R. 200.113*

Procurement Standards

Documented Procurement Procedures

The district must maintain and use documented procedures for procurement transactions under a federal award or subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with state, local, and tribal laws and regulations and the standards identified in 2 C.F.R. 200.317 through 200.327. [See also 2 C.F.R. 200.501 (Audit Requirements)]

Oversight of Contractors

The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Conflicts of Interest

The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. An employee, officer, agent, and board member of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. However, districts may set standards for situations where the financial interest is not substantial or a gift is an unsolicited item of nominal value. The district's standards of conduct must also provide for disciplinary actions to be applied for violations by its employees, officers, agents, or board members. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]

Procurement Records

The district must maintain records sufficient to detail the history of each procurement transaction. These records must include the rationale for the procurement method, contract type selection, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below]

2 C.F.R. 200.318(a), (b), (c)(1), (i)

[See 2 C.F.R. 200.334 for record retention requirements.]

Financial Management

The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by the terms and conditions; and tracking expenditures to establish that funds have been used in accordance with federal statutes, regulations, and the

terms and conditions of the federal award. [See 2 C.F.R. 200.450 (Lobbying)]

The district's financial management system must comply with 2 C.F.R. 200.302(b). [See 2 C.F.R. 200.334 (Retention requirements for records), .335 (Requests for transfer of records), .336 (Methods for collection, transmission and storage of information), and .337 (Access to records)]

2 C.F.R. 200.302

Internal Controls

The district must:

1. Establish, document, and maintain effective internal control over the federal award that provides reasonable assurance that the district is managing the award in compliance with federal statutes, regulations, and the terms and conditions of the award. These internal controls should align with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the federal award.
3. Evaluate and monitor the district's compliance with statutes, regulations, and the terms and conditions of federal awards.
4. Take prompt action when instances of noncompliance are identified.
5. Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information and other types of information. This also includes information the federal agency or pass-through entity designates as sensitive or other information the district considers sensitive and is consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 200.303

"Internal control" for districts means processes designed and implemented by districts to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;
2. Reliability of reporting for internal and external use; and

3. Compliance with applicable laws and regulations.

2 C.F.R. 200.1

Competition

All procurement transactions under the federal award must be conducted in a manner that provides full and open competition and is consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing on those procurements.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d).

The district must ensure that all prequalified lists of persons, firms, or products used in procurement transactions are current and include enough qualified sources to ensure maximum open competition. When establishing or amending prequalified lists, the district must consider objective factors that evaluate price and cost to maximize competition. The district must not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the district, 2 C.F.R. Part 200, Subpart D does not prohibit districts from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. Subpart D also does not prohibit districts from making inquiries of bidders about these subjects and assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable federal statutes and regulations, and the terms and conditions of the federal award.

Noncompetitive procurements can only be awarded in accordance with 2 C.F.R. 200.320(c).

2 C.F.R. 200.319

Procurement Methods

For informal procurement methods (for micro-purchases and simplified acquisitions), formal procurement methods (through sealed bids or proposals), and noncompetitive procurement methods, the district must maintain and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and

200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition). *2 C.F. R. 200.320*

Informal Procurement Methods for Small Purchases

These procurement methods expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under the federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1. The district may also establish a lower threshold. Informal procurement methods include:

Micro-Purchases — Definitions

“Micro-purchase” means an individual procurement transaction for supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases using informal procurement methods as set forth in 2 C.F.R. 200.320.

“Micro-purchase threshold” means the dollar amount at or below which a district may purchase property, or services using micro-purchase procedures. Generally, except as provided below, the micro-purchase threshold for procurement activities administered under federal awards is not to exceed the amount set by the Federal Acquisition Regulations (FAR) at 48 C.F.R. Part 2, Subpart 2.1 [see below], unless a higher threshold is requested by the district and approved by the cognizant agency for indirect costs.

2 C.F.R. 200.1

Micro-purchase threshold means $15,000, except as otherwise provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Micro-Purchase Distribution

The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold. [See the definition of “micro-purchase” above.] To the extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. *2 C.F.R. 200.320(a)(1)(i)*

Micro-Purchase Awards

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price reasonable based on research, experience, purchase history, or other information; and maintains documents to support its conclusion. Purchase cards may be used as a method of payment for micro-purchases. *2 C.F.R. 200.320(a)(1)(ii)*

Micro-Purchase Thresholds

The district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the district must be authorized or not prohibited under state, local, or tribal laws or regulations. Districts may establish a threshold higher than the federal

threshold established in the FAR in accordance with 2 C.F.R. 200.320(a)(1)(iv) and (v). *2 C.F.R. 200.320(a)(1)(iii)*

Districts may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of 2 C.F.R. 200.320. The district may self-certify a threshold up to $50,000 on an annual basis and must maintain documentation to be made available to the federal agency or pass-through entity and auditors in accordance with 2 C.F.R. 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

1. A qualification as a low-risk auditee, in accordance with the criteria in 2 C.F.R. 200.520 for the most recent audit.
2. An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
3. For public institutions, a higher threshold is consistent with state law.

2 C.F.R. 200.320(a)(1)(iv)

Micro-purchase thresholds higher than $50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request that includes the requirements in 2 C.F.R. 200.320(a)(1)(iv). The increased threshold is valid until any factor that was relied on in the establishment and rationale of the threshold changes. *2 C.F.R. 200.320(a)(1)(v)*

Simplified Acquisitions — Procedures

The aggregate dollar amount of the procurement transaction is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If simplified acquisition procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. *2 C.F.R. 200.320(a)(2)(i)*

Simplified Acquisitions — Thresholds

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures, which may be lower than, but must not exceed, the threshold established in the FAR. *2 C.F.R. 200.1, .320(a)(2)(ii)*

Simplified acquisition threshold means $350,000, except as otherwise provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Formal Procurement Methods

Formal procurement methods are required when the value of the procurement transaction under a federal award exceeds the simplified acquisition threshold of the district. Formal procurement methods are competitive and require public notice. The following formal methods of procurement are used for procurement transactions above the simplified acquisition threshold determined by the district in accordance with 2 C.F.R.200.320(a)(2)(ii) [Simplified Acquisitions — Thresholds, above].

Sealed Bids

Sealed bids are a procurement method in which bids are publicly solicited through an invitation and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price. The sealed bids procurement method is preferred for procuring construction services.

For sealed bidding to be feasible, the following conditions should be present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two or more responsible bidders have been identified as willing and able to compete effectively for the business; and
3. The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally based on price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them with sufficient response time prior to the date set for opening the bids. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. For local governments, the invitation for bids must be publicly advertised.
2. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids. For local governments, the bids must be opened publicly.
4. A firm-fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the

invitation for bids, factors such as discounts, transportation cost, and life-cycle costs must be considered in determining which bid is the lowest. Payment discounts must only be used to determine the low bid when the district determines they are a valid factor based on prior experience.

5. The district must document and provide a justification for all bids it rejects.

2 C.F.R. 200.320(b)(1)

Proposals

Proposals are a procurement method used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. They are awarded in accordance with the following requirements:

1. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.

2. The district must have written procedures for conducting technical evaluations and making selections.

3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district considering price and other factors.

4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

2 C.F.R. 200.320(b)(2)

Noncompetitive Procurement

There are specific circumstances in which the district may use a noncompetitive procurement method. The noncompetitive procurement method may only be used if one of the following circumstances applies;

1. The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;

2. The procurement transaction can only be fulfilled by a single source;

3. The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;

4. The district requests in writing to use a noncompetitive procurement method, and the federal agency or pass-through entity provides written approval; or

5. After soliciting several sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Procurement Arrangements Using Strategic Sourcing

When appropriate for the procurement or use of common or shared goods and services, districts are encouraged to enter into state and local intergovernmental agreements or inter-entity agreements for procurement transactions. These or similar procurement arrangements using strategic sourcing may foster greater economy and efficiency. Documented procurement actions of this type (using strategic sourcing, shared services, and other similar procurement arrangements) will meet the competition requirements of 2 C.F.R. Part 200. *2 C.F.R. 200.318(e)*

Small, Minority, Women's, and Veteran-Owned Businesses

When possible, the district should ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms (See U.S. Department of Labor's list) are considered as set forth below. Such consideration means:

1. These business types are included on solicitation lists;

2. These business types are solicited whenever they are deemed eligible as potential sources;

3. Dividing procurement transactions into separate procurements to permit maximum participation by these business types;

4. Establishing delivery schedules (for example, the percentage of an order to be delivered by a given date of each month) that encourage participation by these business types;

5. Utilizing organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring a contractor under a federal award to apply items 1 through 5 above to subcontracts.

2 C.F.R. 200.321

Domestic Preference

The district should, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 C.F.R. 200.322 must be included in all subawards, contracts, and purchase orders under federal awards.

For purposes of this provision:

1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2 C.F.R. 200.322

Pre-procurement Review

When requested, the district must provide procurement documents (such as requests for proposals, invitations for bids, or independent cost estimates) to the federal agency or pass-through entity for pre-procurement review. The federal agency or pass-through entity may conduct a pre-procurement review when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;

2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition, or only one bid is expected to be received in response to a solicitation;

3. The procurement is expected to exceed the simplified acquisition threshold and specifies a "brand name" product;

4. The procurement is expected to exceed the simplified acquisition threshold, and sealed bid procurement is to be awarded to an entity other than the apparent low bidder; or

5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.325(b)

Contract Cost and Price

The district must perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, districts should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the district must make independent estimates before receiving bids or proposals.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the district under 2 C.F.R. Part 200, Subpart E. The district may reference its own cost principles as long as they comply with 2 C.F.R. Part 200, Subpart E.

The district must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

2 C.F.R. 200.324

Contract Provisions

The district's contracts must contain the applicable provisions described in appendix II of 2 C.F.R. Part 200. *2 C.F.R. 200.327*

Suspension and Debarment

Districts are subject to the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, as well as 2 C.F.R. Part 180. These regulations restrict making federal awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from receiving or participating in federal awards. *2 C.F.R. 200.214*

Remedies for Noncompliance

The federal agency or pass-through entity may implement specific conditions if the district fails to comply with the U.S. Constitution, federal statutes, regulations, or terms and conditions of the federal award. See 2 C.F.R. 200.208 for additional information on specific conditions. When the federal agency or pass-through entity determines that noncompliance cannot be remedied by imposing specific conditions, the federal agency or pass-through entity may take one or more of the following actions:

1. Temporarily withhold payments until the district takes corrective action.

2. Disallow costs for all or part of the activity associated with the noncompliance of the district.

3. Suspend or terminate the federal award in part or in its entirety.

4. Initiate suspension or debarment proceedings as authorized in 2 C.F.R. Part 180 and the federal agency's regulations, or for pass-through entities, recommend suspension or debarment proceedings be initiated by the federal agency.

5. Withhold further federal funds (new awards or continuation funding) for the project or program.

6. Pursue other legally available remedies.

2 C.F.R. 200.339

Travel Costs

Travel costs include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. These costs may be charged on an actual cost basis, on a per diem or mileage basis, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip. The method used must be consistent with those normally allowed in like circumstances in the district's other activities and in accordance with the district's established written policies.

In the absence of an established written policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), by the administrator of general services, or by the president (or their designee) pursuant to any provisions of such subchapter must apply to travel under federal awards [48 C.F.R. 31.205-46(a)].

2 C.F.R. 200.475(a), (d)

Property Standards

Federally Owned Property

Title to federally owned property remains vested in the federal government. The district must submit an inventory listing of federally owned property in its custody to the federal agency or pass-through entity on an annual basis. The district must request disposition instructions from the federal agency of pass-through entity upon completion of the federal award or when the property is no longer needed.

Exempt property means property acquired under the federal award where the federal agency has chosen to vest title to the property to the district without further responsibility to the federal government. The federal agency may only exercise this option when permitted by federal statute and set forth in the terms and conditions of the

federal award. Absent statutory authority and specific terms and conditions of the federal award, the title to exempt property acquired under the federal award remains with the federal government.

2 C.F.R. 200.312(a), (c)

Property Trust Relationship

Real property, equipment, and intangible property acquired or improved with the federal award must be held in trust by the district as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The federal agency or pass-through entity may require the district to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

Real Property

Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property acquired or improved under the federal award will vest upon acquisition in the district.

Except as otherwise provided by federal statutes or the federal agency, real property must be used for the originally authorized purpose as long as it is needed for that purpose. While the property is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests except as provided by the federal agency. Easements for utility, cable, and similar services that benefit the real property and are consistent with the authorized use are not considered an encumbrance.

When an appraisal of real property is required and obtained by the district, it must be conducted by an independent appraiser (for example, certified real property appraiser or General Services Administration representative) and certified by a responsible official of the district as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) except as provided in the implementing regulations at 49 C.F.R. Part 24, “Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally Assisted Programs.”

When real property is no longer needed for the originally authorized purpose, the district must obtain disposition instructions from the federal agency or pass-through entity. The instructions must specify one of the following disposition methods:

1. Retain title after compensating the federal agency an amount determined under 2 C.F.R. 200.311(c)(1).

2. Sell the property and compensate the federal agency an amount determined under 2 C.F.R. 200.311(c)(2).

3. Transfer title to the federal agency or a third party designated/approved by the federal agency with the federal agency paying the district an amount determined under 2 C.F.R. 200.311(c)(3).

2 C.F.R. 200.311

Equipment

Title and Use

Title to equipment acquired under the federal award will vest upon acquisition in the district subject to the conditions of 2 C.F.R. 200.313. This title must be a conditional title unless a federal statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government (and the federal agency elects to do so). A conditional title means a clear title is withheld by the federal agency until conditions and requirements specified in the terms and conditions of a federal award have been fulfilled. Title for equipment vested in a district is subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.

2. While the equipment is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests without the approval of the federal agency or pass-through entity.

3. Use and dispose of the property in accordance with the provisions below.

The district must use equipment for the project or program for which it was acquired and for as long as needed in accordance with 2 C.F.R. 200.313(c).

Regardless of whether equipment is acquired in part or in its entirety under the federal award, the district must manage equipment (including replacement equipment) utilizing procedures that meet the requirements of 2 C.F.R. 200.313(d).

Disposition

If the district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When equipment acquired under a federal award is no longer needed for the original project, program, or for other activities currently or previously supported by a federal agency, the district must request disposition instructions from the federal agency or pass-through entity if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in

	2 C.F.R. 200.313(e), in accordance with federal agency or pass-through entity disposition instructions. *2 C.F.R. 200.313*
Supplies	Title to supplies acquired under the federal award will vest upon acquisition in the district. When there is a residual inventory of unused supplies exceeding $10,000 in aggregate value at the end of the period of performance, and the supplies are not needed for any other federal award, the district may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The federal agency or pass-through entity is entitled to compensation in an amount calculated under 2 C.F.R. 200.314(a). *2 C.F.R. 200.314(a)*
Intangible Property	Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that intangible property for the originally authorized purpose and must not encumber the property without the approval of the federal agency or pass-through entity. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). *2 C.F.R. 200.315(a)*
Foreign Telecommunications Equipment	Recipients and subrecipients are prohibited from obligating or expending loan or grant funds in violation of 2 C.F.R. 200.216(a).
Direct Grant Programs	The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED, except as specified in the regulations for direct formula grant programs, as referenced in 34 C.F.R. 75.1(c)(3). *34 C.F.R. 75.1*
State-Administered Programs	The regulations in 34 C.F.R. Part 76 apply to each state-administered formula grant program of the ED. *34 C.F.R. 76.1*
General Education Provision Act	The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the ED and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

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[1] TEA EDGAR Materials and Resources: https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/
[2] ED EDGAR website: https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html
[3] ED Uniform Guidance website: https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html

Authorized Expenditures

A district shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry, 537 S.W.2d 89 (Tex. Civ. App.—Houston [1st Dist.] 1976, no writ)*

A district shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. Nor shall a district pay or authorize the payment of any claim against the district under any agreement or contract made without authority of law. *Tex. Const. Art. III, Sec. 53; Harlingen Indep. Sch. Dist. v. C.H. Page & Bro., 48 S.W.2d 983 (Tex. Comm'n App. 1932)*

The public school funds may not be spent except as provided by Education Code 45.105. The state and county available funds may be used only for the payment of teachers' and superintendents' salaries and interest on money borrowed on short time to pay those salaries that become due before school funds for the current year become available. Loans for the purpose of payment of teachers may not be paid out of funds other than those for the current year.

Local school funds from district taxes, tuition fees of students not entitled to a free education, other local sources, and state funds not designated for a specific purpose may be used for the purposes listed above for state and county available funds and for purchasing appliances and supplies; paying insurance premiums; paying janitors and other employees; buying school sites; buying, building, repairing, and renting school buildings, including acquiring school buildings and sites by leasing through annual payments with an ultimate option to purchase [see CHG]; providing advising support as described by Education Code 48.0035(1) and educating students as described by Education Code 48.0035(2) [see EHDD]; and, except as provided below, for other purposes necessary in the conduct of the public schools as determined by the board.

Exception

Notwithstanding any other law, federal, state, or local funding, including funding under Chapters 46, 48, and 49, may not be used to initiate or maintain any action or proceeding against the state or an agency or officer of the state, including an action or proceeding that includes a claim of ultra vires conduct, except that funds may be used for an action or proceeding that is specifically authorized by a provision of the Education Code or by Government Code 2001.038 (Declaratory judgments under the Administrative Procedures Act).

Education Code 45.105(a)-(c), (c-1)

Fiscal Year

The fiscal year of a district begins on July 1 or September 1 of each year, as determined by the board. *Education Code 44.0011*

Budget Preparation

On or before the date set by the State Board of Education (SBOE), a superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of a district for the following fiscal year. The budget must be prepared according to generally accepted accounting principles, rules adopted by the SBOE, and adopted policies of the board of trustees. *Education Code 44.002; 19 TAC 109.1(a), .41, .5001*

Funds for Accelerated Instruction

A district that is required to provide accelerated instruction under Education Code 29.081(b-1) [see EHBCA] shall separately budget sufficient funds, including funds under Education Code 48.104, for that purpose. *Education Code 29.081(b-2)*

Itemization of Certain Expenditures

The proposed budget of a district must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for:

1. Notices required by law to be published in a newspaper by the district or a representative of the district; and
2. Directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Government Code 305.002.

Local Gov't Code 140.0045

Public Meeting on Budget and Proposed Tax Rate

When the budget has been prepared, the board president shall call a board meeting for the purpose of adopting a budget for the succeeding fiscal year. Any taxpayer of a district may be present and participate in the meeting. *Education Code 44.004(a), (f)* [See CCG for provisions governing tax rate adoption.]

The meeting must comply with the notice requirements of the Open Meetings Act. *Gov't Code 551.041, .043* [See BE]

Published Notice

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in accordance with Education Code 44.004. [For specific requirements regarding the form, contents, and publication of the notice, see CCG(LEGAL).]

Publication of Proposed Budget Summary

Concurrently with the publication of notice of the budget under Education Code 44.004, a district shall post a summary of the proposed budget on the school district's internet website or, if the district has no internet website, in the district's central administrative office.

The budget summary must include a comparison to the previous year's actual spending and information relating to per student and aggregate spending on:

1. Instruction;
2. Instructional support;
3. Central administration;
4. District operations;
5. Debt service; and
6. Any other category designated by the commissioner.

Education Code 44.0041

Budget Adoption

The board, at the meeting called for that purpose, shall adopt a budget to cover all expenditures for the succeeding fiscal year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(f)-(g)*

Appendix for Tax Rate Calculation Forms

The board shall include as an appendix to the district's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee of the district to calculate the no-new-revenue tax rate and the voter-approval tax rate of the district for the tax year in which the fiscal year begins. *Tax Code 26.04(e-5)* [See CCG]

Districts with July 1 Fiscal Year

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property [see CCG] in preparing the required notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district. *Education Code 44.004(h)-(i)*

Budget Adoption After Tax Rate Adoption

Notwithstanding Education Code 44.004(g), (h), and (i), above, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. If a district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate. Following adoption of the tax rate [see CCG], the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The district may use the certified

estimate of taxable value in preparing a notice under this provision. *Education Code 44.004(j)*

Publication of Adopted Budget

On final approval of the budget by the board, the district shall post on the district's internet website a copy of the budget adopted by the board. The district's website must prominently display the electronic link to the adopted budget. A district shall maintain the adopted budget on the district's website until the third anniversary of the date the budget was adopted. *Education Code 44.0051*

On or before a date set by the SBOE, the budget must be filed with the Texas Education Agency according to rules established by the SBOE. *Education Code 44.005*

Internet Posting of Tax Rate and Budget Information

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of these provisions. Each district shall post or cause to be posted on the internet website the following information in a format prescribed by the comptroller:

1. The name of each member of the board;
2. The mailing address, email address, and telephone number of the district;
3. The official contact information for each member of the board, if that information is different from the information described by item 2;
4. The district's budget for the preceding two years;
5. The district's proposed or adopted budget for the current year;
6. The change in the amount of the district's budget from the preceding year to the current year, by dollar amount and percentage;
7. The tax rate for maintenance and operations adopted by the district for the preceding two years;
8. The interest and sinking fund tax rate adopted by the district for the preceding two years;
9. The tax rate for maintenance and operations proposed by the district for the current year;
10. The interest and sinking fund tax rate proposed by the district for the current year; and
11. The most recent financial audit of the district.

Tax Code 26.18

Effect of Adopted Budget and Amendment

Public funds of the district may not be spent in any manner other than as provided for in the budget adopted by the board, but the board may amend a budget or adopt a supplementary emergency budget to cover necessary unforeseen expenses. Any amendment or supplementary budget must be prepared and filed in accordance with SBOE rules. *Education Code 44.006*

Spending Violation/Offense

A trustee who votes to approve any expenditure of school funds in violation of a provision of the Education Code, for a purpose for which those funds may not be spent, or in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits an offense. *Education Code 44.052(c)*

Certain Donations

A district may donate funds or other property or service to the adjutant general's department, the Texas National Guard, or the Texas State Guard. *Gov't Code 437.111(b), .252, .304(a)*

Commitment of Current Revenue

A contract for the acquisition, including lease, of real or personal property is a commitment of a district's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to a board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best-efforts attempt by the board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

Prohibited Uses of Resources

Improvements to Real Property

Except as provided below or by Education Code 45.109(a-1), (a-2), or (a-3) [see CX], the board may not enter into an agreement authorizing the use of school district employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the district.

This provision does not prohibit the board from entering into an agreement for the design, construction, or renovation of improvements to real property not owned or leased by the district if the improvements benefit real property owned or leased by the district. Benefits to real property owned or leased by the district include the design, construction, or renovation of highways, roads, streets, sidewalks, crosswalks, utilities, and drainage improvements that serve or benefit the real property owned or leased by the district.

Education Code 11.168

Hotels	The board may not impose taxes; issue bonds; use or authorize the use of district employees; use or authorize the use of district property, money, or other resources; or acquire property for the design, construction, renovation, or operation of a hotel. The board may not enter into a lease, contract, or other agreement that obligates the board to engage in an activity prohibited by this provision or obligates the use of district employees or resources in a manner prohibited by this provision. "Hotel" means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a motel. *Education Code 11.178*
Electioneering	For restrictions on using district funds for electioneering, see BBBD.

Note: For additional legal requirements applicable to purchases with federal funds, see CBB.

Required Vendor Disclosures

Disclosure of Interested Parties

A district may not enter into a contract described below with a business entity unless the business entity submits a disclosure of interested parties to the district at the time the business entity submits the signed contract to the district.

The requirement above applies only to a contract of a district that:

1. Requires an action or vote by the board before the contract may be signed;
2. Has a value of at least $1 million; or
3. Is for services that would require a person to register as a lobbyist under Government Code Chapter 305.

Gov't Code 2252.908

A contract does not require an action or vote by the board if the board has legal authority to delegate to its staff the authority to execute the contract, the board has delegated this authority, and the board does not participate in the selection of the business entity with which the contract is entered into. *1 TAC 46.1(c)*

Exclusions

The disclosure requirement does not apply to a contract with:

1. A publicly traded business entity, including a wholly owned subsidiary of the entity;
2. An electric utility, as defined by Utilities Code 31.002; or
3. A gas utility, as defined by Utilities Code 121.001.

Gov't Code 2252.908(c)(4)-(6)

Required Form

The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission (TEC) that includes a list of each interested party for the contract of which the contracting business entity is aware; and a written, unsworn declaration subscribed by the authorized agent of the contracting business entity as true under penalty of perjury that is in substantially the form set out in Government Code 2252.908(e)(2). *Gov't Code 2252.908(e); 1 TAC 46.5(a)*

The certification of filing and the completed disclosure of interested parties form generated by TEC's electronic filing application must be printed, signed by an authorized agent of the contracting business entity, and submitted to the district that is the party to the contract for which the form is being filed. *1 TAC 46.5(b)*

Deadline

A district that receives a completed disclosure of interested parties form and certification of filing shall notify TEC, in an electronic format prescribed by TEC, of the receipt of those documents not later than the 30th day after the date the board receives the disclosure. *1 TAC 46.5(c); Gov't Code 2252.908(f)*

Contract Voidable

A contract subject to this requirement entered into by a district is voidable for failure to provide the required disclosure of interested parties only if:

1. The district submits to the business entity written notice of the business entity's failure to provide the required disclosure; and
2. The business entity fails to submit to the district the required disclosure on or before the 10th business day after the date the business entity receives the written notice.

Gov't Code 2252.908(f-1)

Contract Changes

The disclosure requirements do not apply to a change made to an existing contract, including an amendment, change order, or extension of a contract except as set out below.

The disclosure requirements apply to a change made to an existing contract, including an amendment, change order, or extension of a contract if:

1. A disclosure of interested parties form was not filed for the existing contract; and either the changed contract requires an action or vote by the board or the value of the changed contract is at least $1 million; or
2. The business entity submitted a disclosure of interested parties form to the district that is a party to the existing contract; and either there is a change to the disclosure; or the changed contract requires an action or vote by the board; or the value of the changed contract is at least $1 million greater than the value of the existing contract.

1 TAC 46.4

Definitions

"Contract" means a contract between a board and a business entity at the time it is voted on by the board or at the time it binds the board, whichever is earlier, and includes an amended, extended, or renewed contract. *1 TAC 46.3(a)*

"Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation. The term includes an entity through which business is conducted with a district, regardless of whether the en-

tity is a for-profit or nonprofit entity, and does not include a governmental entity or state agency. *Gov't Code 2252.908(a)(1); 1 TAC 46.3(b)*

"Interested party" means a person who has a controlling interest in a business entity with whom a district contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity. *Gov't Code 2252.908(a)(3); 1 TAC 46.3(d), (e)*

"Controlling interest" means:

1. An ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds 10 percent;
2. Membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than 10 members; or
3. Service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. This provision does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

1 TAC 46.3(c)

"Signed" includes any symbol executed or adopted by a person with present intention to authenticate a writing, including an electronic signature. *1 TAC 46.3(f)*

"Value" of a contract is based on the amount of consideration received or to be received by the business entity from the district under the contract. *1 TAC 46.3(g)*

Conflict of Interest Questionnaire

Note: See BBFA for additional information applicable to disclosures under Local Government Code Chapter 176, including:

- Definitions;
- Conflicts disclosure statements required to be filed by certain local government officers, including vendors who are also local government officers; and
- Internet posting requirements for conflicts disclosure statements and questionnaires.

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with the district and:

1. Has an employment or other business relationship with a local government officer of the district, or a family member of the officer, described by Local Government Code 176.003(a)(2)(A);

2. Has given a local government officer of the district, or a family member of the officer, one or more gifts with the aggregate value specified by Local Government Code 176.003(a)(2)(B), excluding any gift described by Local Government Code 176.003(a-1); or

3. Has a family relationship with a local government officer of the district.

Local Gov't Code 176.006(a)

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

1. The date that the vendor:

   a. Begins discussions or negotiations to enter into a contract with a district;

   b. Submits to the district an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the district; or

2. The date the vendor becomes aware:

   a. Of an employment or other business relationship with a local government officer, or a family member of the officer described by Local Government Code 176.006(a);

   b. That the person has given one or more gifts described by Local Government Code 176.006(a); or

   c. Of a family relationship with a local government officer.

Local Gov't Code 176.006(a-1)

Electronic Filing

The requirements of Local Government Code Chapter 176, including signature requirements, may be satisfied by electronic filing in a form approved by the TEC. *Local Gov't Code 176.008*

Updating Incomplete or Inaccurate Questionnaires

A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. *Local Gov't Code 176.006(d)*

Validity of Contract

The validity of a contract between a vendor and the district is not affected solely because the vendor fails to comply with these requirements. *Local Gov't Code 176.006(i)*

Violations

A vendor commits an offense if the vendor is required to file a conflict of interest questionnaire under Local Government Code 176.003 and either:

1. Knowingly fails to file the required questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of the facts that require the filing of the questionnaire; or

2. Knowingly fails to file an updated questionnaire with the appropriate records administrator not later than 5:00 p.m. on the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in a questionnaire previously filed by the vendor incomplete or inaccurate.

It is an exception to the application of this provision that the vendor filed the required questionnaire not later than the seventh business day after the date the vendor received notice from the district of the alleged violation.

A board may, at its discretion, declare a contract void if the board determines that a vendor failed to file a conflict of interest questionnaire required by Local Government Code 176.006.

Local Gov't Code 176.013(b), (e), (g)

Prohibited Activities by Vendors

"Vendor" means a company, individual, contractor, subcontractor, or professional services provider with whom a district enters into an agreement, contract, memorandum of understanding, interlocal agreement, fee schedule, retainer, or similar instrument for goods or services.

A vendor that bids on or receives a contract from a district commits an offense if any individual serving on the board of the district:

1. Has a substantial interest in the vendor or a subcontractor hired by a vendor;

2. Is related in the second degree by consanguinity or affinity, as determined under Government Code Chapter 573 (Nepotism) to an individual who has a substantial interest in the vendor; or

3. Has received or has been promised a gift or in-kind services with a value of more than $250.

An individual has a substantial interest in a vendor if the individual:

1. Owns more than 10 percent of the voting interest in the vendor; or

2. Has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the vendor.

A first offense is a Class C misdemeanor, a second offense is a Class B misdemeanor, a third offense is a Class A misdemeanor, and a fourth or subsequent offense is a state jail felony. Any offense is a state jail felony if the vendor directly or indirectly through a third party compensated the individual serving on the board with money, gifts, or in-kind services as consideration for the district entering into a contract with the vendor.

Education Code 11.067

Required Contract Provisions

Boycott Prohibitions

Israel

A district may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that it does not boycott Israel and will not during the term of the contract.

The requirement above applies only to a contract that:

1. Is between a district and a company with 10 or more full-time employees; and

2. Has a value of $100,000 or more that is to be paid wholly or partly from public funds of the district.

Gov't Code 2271.002

"Boycott Israel" has the meaning assigned by Government Code 808.001.

"Company" has the meaning assigned by Government Code 808.001, except that the term does not include a sole proprietorship.

Gov't Code 2271.001(1), (2)

Energy Companies

A district may not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not boycott energy companies and will not boycott energy companies during the term of the contract.

The requirement above applies only to a contract that:

1. Is between a district and a company with 10 or more full-time employees; and

2. Has a value of $100,000 or more that is to be paid wholly or partly from public funds of the district.

The requirement above does not apply to a district that determines the requirements are inconsistent with the district's constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.

Gov't Code 2276.002

"Boycott energy company" has the meaning assigned by Government Code 809.001.

"Company" has the meaning assigned by Government Code 809.001, except that the term does not include a sole proprietorship.

Gov't Code 2276.001(1), (2)

No Discrimination Against Firearm and Ammunition Industries

A district may not enter into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and will not discriminate during the term of the contract against a firearm entity or firearm trade association.

The requirement above applies only to a contract that:

1. Is between a district and a company with at least 10 full-time employees; and

2. Has a value of $100,000 or more that is paid wholly or partly from public funds of the district.

The requirement above does not apply to a district that contracts with a sole-source provider or does not receive bids from a company that is able to provide the required written verification.

Gov't Code 2274.002

[For definitions, see Government Code 2274.001.]

Retention of Contracting Information

Application

These provisions apply to a contract that:

1. Has a stated expenditure of at least $1 million in public funds for the purchase of goods or services by the district; or

2. Results in the expenditure of at least $1 million in public funds for the purchase of goods or services by the district in a fiscal year of the district.

A board may not accept a bid for a contract described above or award the contract to an entity that the board has determined has knowingly or intentionally failed to comply with Government Code Chapter 552, Subchapter J (Additional Provisions Relating to Contracting Information) in a previous bid or contract described above unless the board determines and documents that the entity has taken adequate steps to ensure future compliance with the requirements of that subchapter. [For additional information and requirements, see GBA and GBAA.]

Requirements

A contract described above must require a contracting entity to:

1. Preserve all contracting information related to the contract as provided by the records retention requirements applicable to the district for the duration of the contract;

2. Promptly provide to the district any contracting information related to the contract that is in the custody or possession of the entity on request of the district; and

3. On completion of the contract, either:

    a. Provide at no cost to the district all contracting information related to the contract that is in the custody or possession of the entity; or

    b. Preserve the contracting information related to the contract as provided by the records retention requirements applicable to the district.

Bid and Contract Language

Except as described at Exception, below, a bid for a contract described above and the contract must include the following statement: “The requirements of Subchapter J, Chapter 552, Government Code, may apply to this (include “bid” or “contract” as applicable) and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter.”

Notice of Noncompliance

A board that is the party to a contract described above shall provide notice to the entity that is a party to the contract if the entity fails to comply with a requirement of Government Code Chapter 552, Subchapter J applicable to the entity. The notice must:

1. Be in writing;

2. State the requirement that the entity has violated; and

3. Unless the exception described below applies, advise the entity that the board may terminate the contract without further obligation to the entity if the entity does not cure the violation on or before the 10th business day after the date the board provides the notice.

Contract Termination

Except as provided below, a governmental body may terminate a contract described above if:

1. The board provides the required notice to the entity that is party to the contract;
2. The contracting entity does not cure the violation in the prescribed period;
3. The board determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of Government Code Chapter 552, Subchapter J; and
4. The board determines that the entity has not taken adequate steps to ensure future compliance with the requirements of that subchapter.

An entity has taken adequate steps to ensure future compliance with Government Code Chapter 552, Subchapter J if:

1. The entity produces contracting information requested by the board that is in the custody or possession of the entity not later than the 10th business day after the date the board makes the request; and
2. The entity establishes a records management program to enable the entity to comply with Government Code Chapter 552, Subchapter J.

Exception

A board may not terminate a contract under these provisions if the contract is related to the purchase or underwriting of a public security, the contract is or may be used as collateral on a loan, or the contract's proceeds are used to pay debt service of a public security or loan.

Gov't Code 552.371(a), .372-.374 [See GBA]

Prohibitions

Entertainment Event Contracts

A person, including a board, may not include a provision in a contract related to a parade, concert, or other entertainment event paid for in whole or in part with public funds that prohibits or would otherwise prevent the disclosure of information relating to the receipt or expenditure of public or other funds by a board for the event. A contract provision that violates Government Code 552.104(c) is void. *Gov't Code 552.104(c)* [See GBA for information related to competition or bidding.]

Taxpayer Resource Transactions

A district may not enter into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider or an abortion assistance entity for the purpose of providing an abortion or abortion assistance. *Gov't Code 2273.003(a)*

A district may not enter into a taxpayer resource transaction or appropriate or spend money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider. Logistical support includes providing money for child care; travel or any form of transportation to or from an abortion provider; lodging; food or food preparation; counseling that encourages a woman to have an abortion; and any other service that facilitates the provision of an abortion. *Gov't Code 2273.0031(a)*

"Taxpayer resource transaction" means a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental entity and a private entity that provides to the private entity something of value derived from state or local tax revenue, regardless of whether the governmental entity receives something of value in return.

"Affiliate" means a person or entity who enters into with another person or entity a legal relationship created or governed by at least one written instrument, including a certificate of formation, a franchise agreement, standards of affiliation, bylaws, or a license, that demonstrates:

1. Common ownership, management, or control between the parties to the relationship;
2. A franchise granted by the person or entity to the affiliate; or
3. The granting or extension of a license or other agreement authorizing the affiliate to use the other person's or entity's brand name, trademark, service mark, or other registered identification mark.

Gov't Code 2273.001(3), (5)

Lobbying Restriction — Tobacco Education Grant Funds

A district receiving funds or grants from the Permanent Fund for Health and Tobacco Education and Enforcement may not use the funds to pay:

1. Lobbying expenses incurred by the district;
2. A person or entity that is required to register with the Texas Ethics Commission under Government Code Chapter 305 (Registration of Lobbyists);

3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by item 2; or

4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067(a)

Contracts with Listed Companies

A district may not enter into a governmental contract with a company identified on a list prepared and maintained under Government Code 806.051 (now Government Code 2270.0201) (companies with business operations in Sudan), 807.051 (now Government Code 2270.0102) (companies with business operations in Iran), and 2252.153 (companies known to have contracts with or provide supplies or services to foreign terrorist organization). *Gov't Code 2252.152*

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. The term includes a contract to obtain professional services subject to Government Code 2254. *Gov't Code 2252.151(3)*

Certain Library Material Vendors

A district may not purchase library material from a library material vendor on the list created by the Texas Education Agency under Education Code 35.003(c). [See EFB] *Education Code 35.003(d)*

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

For information on mental health leave, quarantine leave, and line of duty leave for peace officers, see DEC.

Powers and Duties

Code of Criminal Procedure

Any peace officer commissioned by the board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE). *Education Code 37.081(h)*

Officers commissioned by a board are peace officers. *Code of Criminal Procedure 2A.001(8)*

It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means. *Code of Criminal Procedure 2A.051(1)*

The peace officer shall perform the duties listed in Code of Criminal Procedure 2A.051.

Determined by the Board

A district peace officer shall perform law enforcement duties for the district as determined by the board. *Education Code 37.081(d), (d-1)* [See CKE(LEGAL)]

The board may authorize any officer commissioned by the board to enforce rules adopted by the board. Education Code Chapter 37, Subchapter D (protection of buildings and grounds) is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. *Education Code 37.103*

In a peace officer's jurisdiction, a peace officer commissioned by the board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Family Code Chapter 52 [see GRA] or Code of Criminal Procedure 45A.453; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)(3)

The board shall determine the scope of the on-duty and off-duty law enforcement activities of district peace officers. A district must authorize in writing any off-duty law enforcement activities performed by a district peace officer.

A district peace officer may provide assistance to another law enforcement agency. A district may contract with a political subdivision for the jurisdiction of a district peace officer to include all territory in the jurisdiction of the political subdivision.

Education Code 37.081(c), (e)

Public Information Officer for Emergency Communications

The district police department shall employ or appoint a person whose duties include communicating with the public during a disaster regarding the disaster as the department's public information officer. The public information officer must obtain certification in emergency communications from the Texas Division of Emergency Management and complete continuing education on emergency communications under Government Code Chapter 418, Subchapter K. [For more information about the training required for public information officers, see CK.] *Gov't Code 411.3735(a), (b)*

Chief of Police

The chief of police of a district police department shall be accountable to the superintendent and shall report to the superintendent. District police officers shall be supervised by the district chief of police or the chief's designee and shall be licensed by TCOLE. *Education Code 37.081(f)*

Reserve Police Officers

The board may authorize the chief of police to appoint reserve police officers for the district. The board may limit the number of reserve police officers the chief may appoint.

Chief of Police Discretion

A reserve police officer serves at the discretion of the chief of police and may be called into service at any time that the chief considers it necessary to have additional officers to preserve the peace and enforce the law.

Authority

The chief of police may authorize a reserve police officer who holds a permanent peace officer license issued under Occupations Code 1701 (peace officers) to carry a weapon or act as a peace officer at all times or may limit the authority of the reserve police officer to carry a weapon or act as a peace officer to only those times during which the reserve police officer is engaged in the actual discharge of official duties.

A reserve police officer who does not hold a permanent peace officer license issued under Occupations Code 1701 (peace officers) may act as a peace officer only if the officer has fulfilled all applicable continuing education and training requirements under Occupa-

tions Code 1701.351 and 1701.3525 and during the actual discharge of official duties.

Rights, Privileges, and Duties

A reserve police officer on active duty at the call of the chief of police and actively engaged in assigned duties has the same rights, privileges, and duties as any other peace officer of the state.

A reserve police officer is not exempt from Occupations Code 1702 (private security).

Ineligibility for Benefits

A reserve police officer is not eligible for participation in any program provided by TEA or the board that is normally considered a financial benefit of full-time employment or for any pension fund created by statute for the benefit of full-time paid peace officers.

Education Code 37.0816

Oath and Bond

A peace officer assigned to duty and commissioned by a board shall take and file the oath required of peace officers and shall execute and file a bond in the sum of $1,000, payable to the board, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. *Education Code 37.081(h)*

Preemployment Procedures

Before a law enforcement agency may hire a person licensed under Occupations Code 1701 (law enforcement officers), the agency must, on a form and in the manner prescribed by the TCOLE:

1. Obtain the person's written consent for the agency to review the information required to be reviewed under Occupations Code 1701.451;
2. Request from TCOLE and any other applicable person information required to be reviewed under Occupations Code 1701.451; and
3. Submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
    a. Contacted each entity or individual necessary to obtain the information required to be reviewed under Occupations Code 1701.451; and
    b. Except as provided below, obtained and reviewed as related to the person, as applicable, the information listed in Occupations Code 1701.451(a)(3)(B).

Confirmation Form

The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under Occupations Code 1701.451 before submission to TCOLE. The failure of an agency head or the agency head's designee to comply

with this subsection constitutes grounds for suspension of the agency head's license under Occupations Code 1701.501.

The confirmation form submitted to TCOLE is not confidential and is subject to disclosure under Government Code Chapter 552 (Public Information Act).

Exception

If an entity or individual contacted for information required to be reviewed under Occupations Code 1701.451 refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response.

Duty to Provide Information

If a law enforcement agency receives from a law enforcement agency a request for information under Occupations Code 1701.451 and the person's consent on the forms and in the manner prescribed by TCOLE, the agency shall provide the information to the requesting agency.

Occupations Code 1701.451

Reporting Requirements

When a person licensed by TCOLE separates from an agency, the agency shall, within 7 business days:

Separation Report

1. Submit a separation report (Form F5) to TCOLE; and
2. Provide a copy to the licensee in a manner prescribed by Occupations Code 1701.452 (Employment Termination Report).

37 TAC 217.7(b)

An agency must retain records kept under 37 Administrative Code 217.7 while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to TCOLE. *37 TAC 217.7(d)*

Misconduct Investigation Report

The chief administrator of a law enforcement agency must submit a report of a completed investigation of an allegation of misconduct, as defined in the TCOLE model policy required by Occupations Code 1701.4522(a)(1) [see Misconduct Investigation and Hiring, below], that may result in suspension, demotion, or termination of the licensee on a form prescribed by TCOLE:

1. For alleged criminal misconduct for which criminal charges are filed against a licensee, to TCOLE within 30 days after the investigation is completed on a form; and

2. For alleged administrative misconduct, to TCOLE in a timely manner, but not later than 30 days after the licensee's separation from the law enforcement agency.

If the investigative findings or disciplinary action taken are appealed, the chief administrative officer must notify TCOLE that the matter is under appeal and notify TCOLE of the disposition of an appeal within 30 days after receipt of the decision.

The chief administrator must include documentation of the completed investigation in the licensee's personnel or department file, as appropriate. *37 TAC 211.29(o)*

Personnel File

The chief administrator of a law enforcement agency must maintain a personnel file and department file for each licensee appointed with the law enforcement agency and submit to TCOLE a complete copy of the personnel file of a licensee within 30 days after separation of the licensee from the law enforcement agency in a manner prescribed by TCOLE and upon request as part of an ongoing investigation relating to the licensee. *37 TAC 211.29(p)*

Memoranda of Understanding

A district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies. *Education Code 37.081(g)*

Required Policies

Use of Force/Duty to Render Aid

Not later than the 180th day after the date TCOLE provides the model policies described by Occupations Code 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by TCOLE under that subsection. *Occupations Code 1701.270*

Medical and Psychological Exams

Each law enforcement agency in this state shall adopt the model policy described by Occupations Code 1701.167(a) or a substantively similar policy. A policy adopted by a law enforcement agency under that subsection must be submitted to TCOLE, and the commission shall maintain a copy of the policy. *Occupations Code 1701.167(b)*

Active Shooter Incident

A law enforcement agency must have an active shooter policy, including a detailed written policy based on current best practices for responding to an active shooter incident at a primary or secondary school facility and a recommendation for the frequency at which simulated emergency drills should be conducted, in accordance with minimum standards established by TCOLE. *Occupations Code 1701.163*

Misconduct Investigation and Hiring

A law enforcement agency shall adopt the model policy adopted by TCOLE as described by Occupations Code 1701.4522(a) or a substantively similar policy establishing procedures applicable to a law enforcement agency investigating alleged misconduct by a license holder employed by the agency and hiring a license holder. A policy adopted by a law enforcement agency in accordance with the requirements of Occupations Code 1701.4522 must be submitted to TCOLE and TCOLE shall maintain a copy of the policy. *Occupations Code 1701.4522(a), (d)*

Note: TCOLE model policies, including those described above, are available on the TCOLE Model Policies website.[1] The TCOLE forms are available on the TCOLE Forms and Applications website.[2]

Access to Breaching Tool and Ballistic Shield

A law enforcement agency must make available to officers at least one breaching tool and one ballistic shield in accordance with minimum standards established by TCOLE. *Occupations Code 1701.163* [For requirement that district campuses possess breaching tools and ballistic shields, see CSA.]

Donation of Surplus Law Enforcement Equipment to a School District

If the Texas Facilities Commission determines that the state's efforts to secure its international border and combat transnational crime will sufficiently benefit from the donation of the surplus motor vehicles and other law enforcement equipment of the Department of Public Safety to a school district located in an economically disadvantaged area of this state, it may transfer the property to the district at a price or for other consideration agreed to by the commission and the district.

A school district that receives surplus property may not sell the property before the second anniversary of the date the property is received and may not use the property for a purpose other than in the performance of law enforcement duties by peace officers, school resource officers, or security personnel as described by Education Code 37.081.

Gov't Code 2175.308

Drones

"Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

1. Is controlled remotely by a human operator; or
2. Operates autonomously through computer software or other programming.

Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

1. Adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and

2. Not later than January 1 of each even-numbered year, submit the policy to TCOLE in the manner prescribed by TCOLE.

Code of Criminal Procedure 2B.0253

[For additional information on unmanned aircraft systems, see GKA.]

Body-Worn Camera Programs

For the purpose of this provision, "body-worn camera" means a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio; and worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

A law enforcement agency that operates a body-worn camera program shall adopt a policy for the use of body-worn cameras that must ensure that a body-worn camera is activated only for a law enforcement purpose and must include guidelines and provisions required by Occupations Code 2B.0106(b).

A policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer's shift.

A policy must require a peace officer who is equipped with a body-worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to peace officers who will wear the body-worn cameras and any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 2B.0101(1), .0106, .0107

Prohibited Release of Recording

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

A recording is confidential and excepted from the requirements of the Public Information Act if the recording was:

1. Not required to be made under Occupations Code Subchapter N or another law or under a policy adopted by the law enforcement agency; and

2. Does not relate to a law enforcement purpose.

"Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Occupations Code 2B.0101(1), .0112(f), (h)

Motor Vehicle Stops

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including the information required by Code of Criminal Procedure 2B.0054(a).

The chief administrator of a law enforcement agency is responsible for auditing these reports to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Code of Criminal Procedure 2B.0054

A law enforcement agency shall compile and analyze the information contained in each report received by the agency. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to TCOLE. *Code of Criminal Procedure 2B.0055*

Civil Penalty

If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2B.0055, the department is liable to the state for a civil penalty in an amount not to exceed $5,000 for each violation. *Code of Criminal Procedure 2B.0058(a)*

Racial Profiling

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2B.0052*

Each law enforcement agency that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling that complies with Code of Criminal Procedure 2B.0053(b). *Code of Criminal Procedure 2B.0053*

Mental Health Crisis or Substance Abuse Issue

A law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

1. There is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
2. It is reasonable to divert the person;
3. The offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

This requirement does not apply to a person who is accused of specified offenses involving intoxication.

Code of Criminal Procedure 16.23

Administration of Epinephrine

A law enforcement agency may acquire and possess epinephrine delivery systems and a peace officer may possess and administer an epinephrine delivery system in accordance with Occupations Code Chapter 1701, Subchapter O. *Occupations Code 1701.702(a)* [See FFAC regarding district maintenance and administration of epinephrine delivery systems.]

An epinephrine delivery system is a medical delivery device approved by the United States Food and Drug Administration that delivers a dose of epinephrine intended for use to treat anaphylaxis, including an epinephrine auto-injector and an epinephrine nasal spray.

Occupations Code 1701.701(2-a)

Officer-Involved Injury or Death

"Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2A.206(b).

Code of Criminal Procedure 2A.206

Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident

must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2A.207(a). *Code of Criminal Procedure 2A.207(b)*

Failure to Report

A law enforcement agency that fails to submit the required report on or before the seventh day after the date the agency received notice of failure to report from the office of the attorney general, is liable for a civil penalty in the amount of $1,000 for each day after the seventh day that the agency fails to submit the report. Beginning on the day after the date of receiving notice of failure to report, a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty is liable for a civil penalty for each day the agency fails to submit the required report in the amount of $10,000 for the first day and $1,000 for each additional day that the agency fails to submit the report. *Code of Criminal Procedure 2A.208(b), (c)*

Complaints Against Peace Officers

To be considered by the head of the district's police department, a complaint against a district peace officer must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed. Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code 614.021-.023; Colorado County v. Staff, 510 S.W.3d 435 (Tex. 2017); Atty. Gen. Op. GA-251 (2004)*

On the commencement of an investigation by a law enforcement agency of a complaint by an individual who believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer. *Code of Criminal Procedure 2B.0053(b)(3), (c)*

[See DGBA, FNG, and GF for appeals.]

Legal Representation

A district shall provide a district employee who is a peace officer with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.

To defend the employee against the suit, the district may provide counsel already employed by it or may employ private counsel.

An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit covered by these provisions and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Local Gov't Code 180.002(b)-(d)

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[1] TCOLE Model Policies:
https://www.tcole.texas.gov/content/model-policies
[2] TCOLE Forms and Applications:
https://www.tcole.texas.gov/content/forms-and-applications

Note: For general provisions applicable to district security personnel, including school marshals, see CKE.

Board Authority

The board may appoint one or more school marshals for each campus. *Education Code 37.0811(a)*

Definition

A school marshal is a person who is appointed to serve as a school marshal by the board under Education Code 37.0811, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure 2A.008. *Occupations Code 1701.001(8)*

Eligibility

The board may select for appointment as a school marshal an applicant who is an employee of the district and certified as eligible for appointment under Occupations Code 1701.260. *Education Code 37.0811(b)*

TCOLE Licensing

To be eligible for appointment as a school marshal, an applicant shall:

1. Successfully complete all prerequisite Texas Commission on Law Enforcement (TCOLE) training;
2. Pass the state licensing exam;
3. Be employed and appointed by an authorized school district; and
4. Meet all statutory requirements, including psychological fitness.

37 TAC 227.3(a); Code of Criminal Procedure 2A.008(b)

A school marshal training program is open to any employee of a district who holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H. *37 TAC 227.5(a)*

TCOLE shall license an eligible person who:

1. Completes required training to the satisfaction of TCOLE staff; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under Occupations Code 1701.260(d).

Occupations Code 1701.260(f)

Psychological Fitness

In order for an individual to enroll in any school marshal licensing training, obtain a school marshal license, or renew or reapply for a

school marshal license, they must first demonstrate psychological fitness through a psychological examination.

The psychological examination shall be conducted by a professional selected by the district. The professional shall be either a psychologist licensed by the Texas State Board of Examiners of Psychologists or a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties of a school marshal.

The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of:

1. A review of the duties and responsibilities of a school marshal as developed by TCOLE;
2. At least two instruments, one which measures personality traits and one which measures psychopathology; and
3. A face-to-face interview conducted after the instruments have been scored.

The individual must be declared by that professional, on a form prescribed by TCOLE, to be in satisfactory psychological and emotional health to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter.

If, after examination, the professional declines to declare the individual as psychologically fit, the individual must report the outcome to TCOLE on a form prescribed by TCOLE.

An examination for license renewal or reactivation must be conducted within 90 days of the date of the application for license renewal or reactivation.

37 TAC 227.4

Reimbursement for Training

The board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Occupations Code 1701.260. *Education Code 37.0811(b)*

District Responsibilities

A district shall:

1. Submit and receive approval for an application to appoint a person as a school marshal;
2. Upon authorization, notify TCOLE using approved format prior to appointment;

3. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the district;

4. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the district, TCOLE standards, another state agency, or under other law;

5. Immediately report to TCOLE a school marshal's violation of any TCOLE standard, including the discharge of a firearm carried under the authorization of these provisions outside of a training environment; and

6. Immediately report to TCOLE any indication, suspicion, or allegation that a school marshal is no longer psychologically fit to carry out the duties of a school marshal.

For five years, the district must retain documentation that the district has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve a district from retaining all other relevant records not otherwise listed.

37 TAC 227.1

Powers and Duties

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the board and may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2A.008(c), (d)

Reporting Requirements

Once appointed, a school marshal shall:

1. Immediately report to TCOLE and the district any circumstance which would render them unauthorized to act as a school marshal by virtue of their employment with the district, failure to meet the standards of TCOLE, another state agency, or under law;

2. Immediately report to TCOLE any violation of applicable TCOLE standards, including any discharge of a firearm carried under the authorization of these provisions outside of training environment; and

3. Comply with all requirements under law, including Education Code 37.0811.

37 TAC 227.3(b)

Fit for Duty Review

When TCOLE receives a report or other reliable information that a school marshal may no longer be psychologically fit to carry out the duties of a school marshal, TCOLE may:

1. Issue an emergency suspension order; or
2. Require a fit for duty review upon identifying factors that indicate the licensee may no longer be able to perform the duties of a school marshal safely and effectively.

TCOLE shall provide written notice of the psychological examination to the license holder not later than the 10th business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.

The examination shall be conducted by a psychiatrist or psychologist chosen by the licensee.

To facilitate the examination of any licensee, TCOLE will provide all appropriate documents and available information.

The examining practitioner will provide TCOLE with a report indicating whether the school marshal is fit for duty. If the school marshal is unfit for duty, the practitioner will include the reasons or an explanation why the individual is unfit for duty.

A second examination may be ordered by TCOLE if it questions the practitioner's report. The examination will be conducted by a psychiatrist or psychologist appointed by TCOLE. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the school marshal's fitness shall be decided by the executive director of TCOLE.

A school marshal who fails a psychological examination shall have their license suspended until the executive director orders it reinstated.

Any school marshal ordered to undergo a fit for duty review shall comply with the terms of the order and cooperate fully with the examining practitioner.

37 TAC 227.6

Handgun Possession

A school marshal may carry or possess a handgun on the physical premises of a school, but only:

1. In the manner provided by written regulations adopted by the board; and

2. At a specific school as specified by the board.

Accessing Handgun

A school marshal may use a handgun the school marshal is authorized to carry or possess only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33.

Board Regulations

A board's written regulations must provide that a school marshal may:

1. Carry a concealed handgun on the school marshal's person;

2. If wearing a uniform identifying the marshal as a school marshal, openly carry a handgun on the school marshal's person; or

3. Possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location.

The written regulations must also require that a handgun carried or possessed by a school marshal be loaded only with frangible duty ammunition approved for that purpose by TCOLE.

Inactive Status

A district employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;

2. Suspension or revocation of the employee's license to carry a handgun;

3. Termination of the employee's employment with the district; or

4. Notice from the board that the employee's services as school marshal are no longer required.

Education Code 37.0811(c)-(f)

Identity Confidential

The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and handgun license number, and the address of the person's place of employment must be provided by TCOLE to:

1. The director of the Department of Public Safety;

2. The district;

3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality;

4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and

5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed as a school marshal. The notice may not disclose information that is confidential.

Education Code 37.0811(g), (h); Occupations Code 1701.260(j)

No State Benefits

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2A.008(e)*

Memorandum of Understanding to Share Marshal

A district may enter into a memorandum of understanding with another district, open-enrollment charter school, or private school under which a school marshal appointed to a campus of the district may temporarily act as a school marshal at a campus of the other school for the duration of an event occurring at the campus of the other school at which both schools are participating. The memorandum of understanding must comply with the requirements for written regulations under Education Code 37.0811 [see Handgun Possession, above] and may be used to satisfy the requirement for written regulations or written authorization under Penal Code 46.03(a)(1) to allow that school marshal to carry a firearm on the premises of the school at which the event occurs. *Education Code 37.08131*

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Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology Furnished Without Cost to Students

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)*

Instructional Materials and Technology 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)*

The commissioner shall determine the amount of the Instructional Materials and Technology Allotment for a district based on PEIMS student enrollment data from the fall snapshot collection of the school year preceding the first year of each biennium.

The amount of the allotment determined by the commissioner is final and may not be appealed.

19 TAC 67.1001(a), (d)

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students

for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

Permitted Expenditures

The allotment funds may be used to purchase or pay for:

1. Instructional materials, regardless of whether the instructional materials are on the list of approved instructional materials maintained by the State Board of Eduction (SBOE) under Education Code 31.022;
2. Consumable instructional materials;
3. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
4. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
5. Supplemental instructional materials;
6. OER instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
7. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
8. Technological equipment necessary to support the use of any instructional materials purchased with an allotment under this provision;
9. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of instructional materials;
10. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;
11. Training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use;

12. Training personnel in the electronic administration of assessment instruments;

13. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning;

14. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate internet access;

15. Costs associated with providing parental access to the district's library materials catalog and the ability to submit a list of library materials that the parent's child is not allowed to access as required by Education Code 33.023. [See EFB]

16. Formats of instructional materials that are fully accessible to students with disabilities;

17. Activities related to the local review and adoption of instructional materials;

18. Software for analyzing the use and effectiveness of instructional materials;

19. Software for analyzing the appropriateness of instructional materials necessary for the teaching of, instruction in, or demonstration of knowledge of the essential knowledge and skills adopted under Education Code 28.002; and

20. Costs associated with complying with Education Code 33.023, relating to parental access to library catalog and access by the parent's child to certain library materials.

Education Code 31.0211(c), 33.023(d); 19 TAC 67.1001(e)

Prohibited Expenditures

The allotment funds may not be used to purchase instructional material that:

1. Contains obscene or harmful content or would otherwise cause the district to which the funds were allotted to be unable to submit the certification required under Education Code 31.1011(a)(1)(B) [see Certification of Instructional Materials, below]; or

2. Is on the list of rejected instructional materials maintained by the SBOE.

Education Code 31.0211(f)

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;
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;
6. Equipment used for moving or storing instructional materials;
7. Instructional material that contains obscene or harmful content or would otherwise cause the district to be unable to submit the certification required under Education Code 31.11011(a)(1)(B); or
8. Instructional material that incorporates three-cueing in the phonics curriculum required under Education Code, Chapter 28.

19 TAC 67.1001(f)

A district may not adopt or otherwise use instructional material included on the list of rejected instructional materials maintained by the SBOE. *Education Code 31.024*

Technological Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and
2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

Education Code 31.0211(d)

Instructional Materials and Technology Account

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium.

At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

A district shall provide to TEA the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials and technology allotment.

Education Code 31.0212(a)-(d)

Availability of Allotment Funds

The allotment for each biennium will be made available for district use through EMAT 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 funds for an upcoming school year after submitting to the commissioner:

1. Certification that the school district or open-enrollment charter school has instructional materials that cover all the required TEKS, except those for physical education, as required by Education Code 31.1011;
2. Certification that the school district or open-enrollment charter school has used its allotment for only allowable expenditures; and
3. Information regarding the instructional materials used by the district during the previous school year, including the cost of each material as required by Education Code 31.1012.

Upon completion of the requirements, a district may access its allotment funds by correctly providing all the information required in the state ordering system.

Information required in the state ordering system may include verification of TEKS coverage for certain disbursement requests.

19 TAC 67.1001(g)-(j)

Additional State Aid

For State-Approved Instructional Materials

For each student enrolled in the district, a school district is entitled to additional state aid for each school year in an amount equal to $40, or a greater amount provided by appropriation, to procure instructional material that has been reviewed by the Texas Education Agency (TEA); placed on the SBOE list of approved instructional materials; designated by the SBOE as being included or capable of being included in an instructional materials parent portal; and acquired from a publisher, manufacturer, or other entity that has not been found to violate Education Code 31.151. *Education Code 48.307(a)*

A district is entitled to the amount of state aid provided by 19 Administrative Code 67.1003(a) each school year, regardless of whether the district uses the amount during the school year for which the amount was provided. *19 TAC 67.1003(i)*

For Open Education Resource Instructional Materials

Subject to Education Code 31.0751 (Open Education Resource [OER] transition plan), a district is entitled to additional state aid for each school year in an amount not to exceed $20 for each student for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing and shipping of OER instructional material made available under Education Code Chapter 31, Subchapter B-1. *Education Code 48.308(a)*

Amount of Additional State Aid

The commissioner of education shall determine the amount of the additional state aid for OER instructional materials for a district based on PEIMS student enrollment data from the fall snapshot collection of the current school year.

Before PEIMS student enrollment data from the fall snapshot collection of the current school year is available, a district will have an expected allotment amount that is based on 90 percent of the PEIMS student enrollment data from the fall snapshot collection of the previous school year.

Funds may only be used for the costs incurred or for which a district is obligated to pay during the school year in which the aid is provided.

Requisitions

Requisitions for funding must be submitted in TEA's online requisition and disbursement system (EMAT) before August 31 of the fiscal year in which the aid is provided.

The entitlements for each year will be made available for district use through EMAT as early as possible in the fiscal year for which the funds have been appropriated.

Permissible Use of Additional State Aid

The additional state aid for OER instructional materials may be used to purchase:

1. OER instructional material placed on the list of approved materials outlined in Education Code 31.022, including any non-text components of the approved product, such as manipulative kits; and
2. OER instructional material components placed on the list of approved materials outlined in Education Code 31.022, only after an initial purchase of all components of the product.

The additional state aid for OER instructional materials may not be used to purchase or reimburse for:

1. Instructional material or material components not on the list of approved instructional materials;
2. Instructional material placed on the rejected list of instructional materials;
3. Instructional material that promotes three-cueing as defined in Education Code 28.0062(a-1); or
4. Printing of SBOE-approved OER material, which may be otherwise procured through a requisition in EMAT.

The commissioner may grant a waiver to exempt a district from an initial purchase of each component of an approved product if the district can demonstrate that it already possesses an identical or near-identical component for each student and/or teacher as indicated by the product design.

19 TAC 67.1004

Purchasing Method

A district is not required to use a method provided by Education Code 44.031(a) to purchase instructional materials that have been reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.102(d)*

Requisitions, Use, and Distribution

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)*

Delegation of Authority

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Online Requisition Program

A district shall make a requisition for instructional materials using EMAT. A district may requisition instructional materials for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)-(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

OER Instructional Materials

A district may adopt OER instructional material at any time. A district may only adopt or otherwise use an OER instructional material that is not included on the list of rejected instructional materials maintained by the SBOE.

Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may not be charged for a cost associated with the selection of an OER instructional material, except for the cost of printing copies of the material. *Education Code 31.073*

OER Transition Plan

To qualify for additional state aid under Education Code 48.308, the board must adopt an OER instructional material transition plan to assist classroom teachers in the district who will be using an OER instructional material in a specific subject or grade level for which the teacher has not previously used an OER instructional material.

The plan must ensure that OER instructional materials are used in a manner that maintains the instructional flexibility of a classroom teacher to address the needs of each student.

A district that participates in the program developed and maintained by TEA under Education Code 31.0752 is not required to adopt a transition plan under this provision. [See OER Instructional Material Support Program, below]

Education Code 31.0751

The OER instructional material transition plan shall be submitted in a format determined by the commissioner.

A district is required to have a locally maintained OER transition plan that complies with 19 Administrative Code 67.1315 to access funding allotted under Education Code 48.308.

A district is required to submit an OER instructional material transition plan only when:

1. First adopting an SBOE-approved OER product for a grade level or subject/course; or
2. Expanding implementation of an SBOE-approved OER product to additional campuses and/or grade levels.

The OER instructional material transition plan adopted by the board of trustees shall include the plan of the district to ensure the following:

1. Clear communication and stakeholder change management plans and timelines;
2. Timely access to print materials and related manipulatives through OER procurement and distribution;

3. Sufficient planning and instructional time evidenced by instructional calendars and master schedules aligned to the requirements of the materials;

4. Clear expectations for the implementation of:

   a. Instructional materials;

   b. Internalization and student work analysis protocols; and

   c. Curriculum-embedded assessments;

5. Processes for stakeholder communication and public posting, as outlined in Education Code 26.006, if materials have been modified by the district;

6. The maintenance of instructional flexibility through clear guidance for acceptable teacher modifications to instructional pacing, sequencing, and lesson content to address the needs of each student; and

7. Sufficient professional learning and development for school leaders, instructional coaches, and teachers, including:

   a. Pre-service product onboarding and orientation; and

   b. Ongoing, job-embedded, curriculum-based professional learning, including cycles of observation and feedback.

The commissioner may request and review OER instructional material transition plans before funding is released and reject a plan subsequent to review.

19 TAC 67.1315

OER Instructional Material Support Program

TEA shall develop and maintain a program to assist school districts in adopting and using OER instructional material, including by assisting districts to:

1. Maintain the instructional flexibility of classroom teachers to address the needs of each student; and

2. Schedule instructional periods in a manner that allows classroom teachers sufficient time to effectively prepare and present instructional material within the teacher's normal work day.

TEA shall engage in efforts to meet the demand from districts that request assistance for the 2024-25 or 2025-26 school year. Until September 1, 2027, a school district may apply assistance received to offset the payment of costs related to implementing OER

instructional material, regardless of whether the district incurred the cost before receiving the assistance.

Education Code 31.0752

Requisition

A district that selects OER instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Parent Portal

An entity that hosts an instructional materials parent portal must comply with requests regarding parental access to the portal made by a district in compliance with Education Code 31.154 or Education Code 26.006 [see EFA]. *Education Code 31.154(e)*

[For more information regarding the requirements for certain entities that supply instructional materials to host a parent portal, see Education Code 31.154.]

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. *Education Code 31.029*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that the district:

1. For each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level:
    a. Provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level; and
    b. In the provision of instructional materials, the district protects students from obscene or harmful content as necessary for compliance with the Children's Internet Protection Act (Pub. L. No. 106-554) [see CQ], Education Code 28.0022 [see EMB], Penal Code 43.22, and any other law or regulation that protects students from obscene or harmful content [see EFA]; and

2. The district used money allocated to the district or school under the instructional materials and technology allotment only for purposes allowed under Education Code 31.0211.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Instructional materials developed, purchased, or otherwise acquired by the district; and
3. OER instructional materials and other electronic instructional materials included in the repository under Education Code 31.0722.

Education Code 31.1011

Annual Report

Each district shall annually report to TEA information regarding the instructional materials used by the district during the previous school year, including the cost of each material. *Education Code 31.1012*

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which OER instructional material that a district does not intend to use for another student is distributed, the printed copy of the OER instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of OER instructional material.

Education Code 31.104(c), (g)-(h)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of OER instructional material.

Education Code 31.104(d), (e), (h) [See also EFA]

Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of OER instructional material. *Education Code 31.104(b)*

Sale or Disposal

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale

The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

Use of Proceeds

Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal

The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

Safety Standards

A district shall meet or exceed the safety standards for school buses established by the Department of Public Safety (DPS), with the advice of the Texas Education Agency (TEA). A district that fails or refuses to meet these safety standards for school buses is ineligible to share in the transportation allotment until the first anniversary of the date the district begins complying with the safety standards. *Education Code 34.002*

DPS school bus safety standards apply to all school districts that own, operate, rent, contract, or lease school buses and those commercial transportation companies that contract with a public school to transport public school students in buses. *37 TAC 14.51*

A district must purchase or use school buses and multifunction school activity buses from manufacturers that certify to DPS that all vehicles offered for sale to or in use by school districts in Texas meet or exceed all standards, specifications, and requirements.

Any new school bus found out of compliance with the specifications that were in effect in Texas on the date the vehicle was manufactured will be placed out of service by the vehicle's owner until it is brought into compliance with the applicable specifications.

37 TAC 14.52

Student Safety

Prohibitions

A district may not require or allow a child to stand on a moving bus or passenger van. *Education Code 34.004*

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting:
    a. On the floor of the bus, or
    b. In any location on the bus that is not designed as a seat.

Transp. Code 545.426

Seat Belts

Required on Buses

By September 1, 2029, a bus, including a school bus, a school activity bus, multifunction school activity bus, or school-chartered bus, operated by or contracted for use by a district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement does not apply to:

1. A bus operated by or contracted for use by a school district if the board determines that the district's budget does not permit the district to purchase a bus that is equipped with the required seat belts; or

2. A bus for which the warranty would become void if the bus were equipped to comply with the requirement.

A district may accept gifts, grants, and donations from any public or private source to implement the requirements.

Transp. Code 547.701(e), (h)

Required Report

Not later than the end of the 2025-26 school year, a board that makes the determination above shall submit to TEA and present in a public meeting of the board a report that includes:

1. The number of buses operated by or contracted for use by the district that:
    a. Are not equipped with seat belts;
    b. Are equipped with two-point seat belts; and
    c. Are equipped with three-point seat belts; and
2. The estimated cost to the district to equip with three-point seat belts each bus operated by or contracted for use by the district that is not equipped with three-point seat belts as required.

Transp. Code 547.701(f)

Student Requirement

A district shall require a student riding a bus operated by or contracted for operation by the district to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus. A school district may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

Donations

A board shall consider any offer made by a person to donate three-point seat belts or money for the purchase of three-point seat belts for a district's school buses. A board may accept or decline the offer after adequate consideration.

A board may acknowledge a person who donates three-point seat belts or money for the purchase of three-point seat belts for a school bus by displaying a small, discreet sign on the side or back of the bus recognizing the person who made the donation. The sign may not serve as an advertisement for the person who made the donation.

Education Code 34.014

Use of Warning Signals

When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment

on the bus designed to warn other drivers that the bus is stopping to load or unload children.

A person may not operate a light or other equipment described above except when a school bus is being stopped or is stopped on a highway to:

1. Permit a student to board or exit the bus; or
2. Distribute to a student or the parent or guardian of a student:
    a. Food; or
    b. Technological equipment for use by the student for educational purposes.

Transp. Code 547.701(c), (c-1)

Wireless Communication Devices

An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. *Transp. Code 545.4251(b)*

General Rule

School Property

An operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone or on the property of a public elementary, middle, junior high, or high school served by a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

1. The vehicle is stopped; or
2. The wireless communication device is used with a hands-free device.

Transp. Code 545.4252

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. This provision does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e-1)*

Definitions

"Hands-free device" means speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes

voice-operated technology and a push-to-talk function. *Transp. Code 545.425(a)(1)*

"Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person. *Transp. Code 545.4251(a)(1)*

Disruption of Transportation

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by a district or to or from activities sponsored by a school on a vehicle owned and/or operated by a district shall be guilty of a misdemeanor. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

Exhibition of Firearm

For information regarding offenses pertaining to firearms on buses, see GKA(LEGAL).

Collision Reports

Notice to DPS for Buses With Advertising

A district shall provide DPS written notification of any collision directly or indirectly involving a school bus operated by or for the district that bears advertising or another paid announcement. *37 TAC 14.65(a)(2)* [See CNB for rules related to school bus advertising.]

Notice must be received not more than five days from the date of the collision and shall include the following:

1. The name and address of the owner of the school bus;
2. The name and driver's license number of the school bus operator;
3. The date of the collision;
4. The city or county where the collision occurred; and
5. The investigating police agency.

37 TAC 14.65(c)

Notices to DPS may be delivered by facsimile, electronic mail, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Annual Report to TEA

A district shall report annually to TEA the number of collisions in which its buses were involved in the past year in a manner prescribed by the commissioner of education. A district shall file annual collision reports to TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:

1. The total number of bus collisions;

2. The date each collision occurred;

3. The type of bus, as specified in 19 Administrative Code 103.1231(a), involved in each collision;

4. Whether the bus involved in each collision was equipped with seat belts and, if so, the type of seat belts;

5. The number of students and adults involved in each collision;

6. The number and types of injuries that were sustained by the bus passengers in each collision; and

7. Whether the injured passengers in each collision were wearing seat belts at the time of the collision and, if so, the type of seat belts.

A school district shall report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus is owned, leased, contracted, or chartered by a school district and was transporting school district personnel, students, or a combination of personnel and students; or

2. The bus was driven by a school district employee or by an employee of the school district's bus contractor with no passengers on board and the collision involved a pedestrian.

Exceptions

A school district shall not report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus was driven by a school district employee or by an employee of the school district's bus contractor, the collision occurred when no passenger other than the school district's driver or bus contractor's driver was on board the bus, and the collision did not involve a pedestrian; or

2. The collision involved a bus chartered by a school district for a school activity trip and no school district personnel or students were on board the bus at the time of the collision.

A school district shall not report a collision that occurred in a vehicle that is owned, contracted, or chartered by a school district and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.

Education Code 34.015(b); 19 TAC 103.1231(b)

Note: For additional legal requirements applicable to purchases with federal funds, including 2 C.F.R. 200, see CBB.

For more information on U.S. Department of Agriculture (USDA) procurement requirements, see the Texas Department of Agriculture's (TDA) Food and Nutrition Division *Administrator's Reference Manual*,[1] Sections 17, *Procurement;* 17a, *Procurement Procedures;* 17b, *Buy American;* and 17c, *Cooperative Purchasing*.

Definitions

For purposes of this policy, "2 C.F.R. Part 200" means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by the Office of Management and Budget (OMB). The part reference covers applicable: Acronyms and Definitions (Subpart A), General Provisions (Subpart B), Post Federal Award Requirements (Subpart D), Cost Principles (Subpart E), and Audit Requirements (Subpart F). [Note: Pre-Federal Award Requirements and Contents of Federal Awards (Subpart C) does not apply to the National School Lunch Program]. *7 C.F.R. 210.2, 220.2*

School Food Authority

"School food authority" (SFA) means the governing body that is responsible for the administration of one or more schools and has the legal authority to operate the program therein or be otherwise approved by the USDA Food and Nutrition Service (FNS) to operate the program.

Program

"Program" means the National School Lunch Program (NSLP) and the Commodity School Program or the School Breakfast Program (SBP), as applicable.

Nonprofit School Food Service

"Nonprofit School Food Service" means all food service operations conducted by the SFA principally for the benefit of school children, all the revenue from which is used solely for the operation or improvement of such food services.

Nonprofit School Food Service Account

"Nonprofit School Food Service Account" means the restricted account in which all the revenue from all food service operations conducted by the SFA principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service.

Cost Reimbursable Contract

"Cost reimbursable contract" means a contract that provides for payment of incurred costs to the extent prescribed in the contract, with or without a fixed fee.

7 C.F.R. 210.2, 220.2

Administration

The SFA shall be responsible for the administration of the program in schools. *7 C.F.R. 210.3*

Nonprofit School Food Service

National School Lunch Program

The SFA shall maintain a nonprofit school food service. Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that such revenues shall not be used to purchase land or buildings, unless otherwise approved by FNS, or to construct buildings. Expenditures of nonprofit school food service revenues shall be in accordance with the financial management system established by the TDA under 7 C.F.R. 210.19(a). *7 C.F.R. 210.14(a)*

School Breakfast Program

Pursuant to required written agreements, the SFA shall, with respect to participating schools under its jurisdiction maintain a nonprofit school food service. In accordance with the financial management system established under 7 C.F.R. 220.13(i), use all revenues received by such food service only for the operation or improvement of that food service. Revenues received by the nonprofit school food service shall not be used to purchase land or buildings or to construct buildings. *7 C.F.R. 220.7(e)(1)(i)-(iii)*

Food Service Management Companies

An SFA may contract with a food service management company to manage its food service operation in one or more of its schools. However, no school or SFA may contract with a food service management company to operate an a la carte food service unless the company agrees to offer free, reduced price, and paid reimbursable lunches to all eligible children. Any SFA that employs a food service management company in the operation of its nonprofit school food service shall comply with the requirements of 7 C.F.R. 210.16 (NSLP) or 7 C.F.R. 220.7(d) (SBP). *7 C.F.R. 210.16, 220.7*

Note: For more information on contracts regarding consultants, food service management companies (FSMC), and vended meals, see TDA's Food and Nutrition Division *Administrator's Reference Manual*, Section 18, *Food Service Contracts*.

USDA Procurement Requirements

The SFA shall comply with requirements of 7 C.F.R. Part 210 (NSLP), Part 220 (SBP), and 2 C.F.R. Part 200, Subpart D and USDA implementing regulations 2 C.F.R. Part 400 and Part 415, as applicable, which implement the applicable requirements, concerning procurement of all goods and services with nonprofit school food service account funds. *7 C.F.R. 210.21(a), 220.16(a)*

District Procurement Procedures

An SFA may use its own procurement procedures which reflect applicable state and local laws and regulations, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in 7 C.F.R. Part 210 and in

2 C.F.R. Part 200, Subpart D, as applicable. SFA procedures must include a written code of standards of conduct meeting the minimum standards of 2 C.F.R. 200.318, as applicable. [See CBB]

Pre-issuance Review

TDA may impose a pre-issuance review requirement on an SFA's proposed procurement. The SFA must make available, upon request by TDA, its procurement documents, including but not limited to solicitation documents, specifications, evaluation criteria, procurement procedures, proposed contracts and contract terms. The SFA shall comply with TDA requests for changes to procurement procedures and solicitation and contract documents to ensure that, to TDA's satisfaction, such procedures and documents reflect applicable procurement and contract requirements and the requirements of 7 C.F.R. Part 210.

Prohibited Expenditures — Noncompliant Procurement

No expenditure may be made from the nonprofit school food service account for any cost resulting from a procurement failing to meet the requirements of 7 C.F.R. Part 210 (NSLP) or Part 220 (SBP).

7 C.F.R. 210.21(c), 220.16(c)

Conflicts of Interest

A district must disclose in writing any potential conflicts of interest to the USDA awarding agency or pass-through entity (e.g., TDA).

The district must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award and administration of federal awards. No employee, officer or agent may participate in the selection, award, or administration of a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a federal award. The district may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district.

Districts must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. Districts are responsible for notifying the respective USDA awarding agency in writing of any conflicts of interest that may arise during the period of performance of an award, including those which have been reported by subrecipients, no later than five calendar days following discovery. Upon receipt

of such a disclosure, the respective USDA awarding agency must review and make a determination in writing if a potential or real conflict of interest exists and develop a plan for addressing or mitigating the issue, which may include remedies found at 2 C.F.R. 200.339. USDA awarding agencies must make a determination within 30 calendar days of disclosure unless a longer period of time is necessary due to the complexity of the situation.

2 C.F.R. 400.2

Procurement Training

School nutrition program directors, management, and staff tasked with NSLP procurement responsibilities must complete annual training on federal procurement standards annually.

Procurement training may count towards the professional standards training standards at 7 C.F.R. 210.30. [See CO]

SFAs must retain records to document compliance with these training requirements.

7 C.F.R. 210.21(h)

Cost Reimbursable Contracts

The SFA must include the provisions specified in 7 C.F.R. 210.21(f)(1) (NSLP) or 220.16(e)(1) (SBP) in all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts.

Prohibited Expenditures — Noncompliant Contract

No expenditure may be made from the nonprofit school food service account for any cost resulting from a cost reimbursable contract that fails to include the requirements of 7 C.F.R. 210.21 (NSLP) or 220.16 (SBP), nor may any expenditure be made from the nonprofit school food service account that permits or results in the contractor receiving payments in excess of the contractor's actual, net allowable costs.

7 C.F.R. 210.21(f), 220.16(e)

Buy American

Domestic Commodity or Product

“Domestic commodity or product” means an agricultural commodity that is produced in the United States, and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States under 7 C.F.R. 210.21(d) and 220.16(d).

Requirement

The USDA shall require that an SFA purchase, to the maximum extent practicable, domestic commodities or products.

7 C.F.R. 210.21(d), 220.16(d)

Optional Geographic Preference

An SFA participating in the program may apply a geographic preference when procuring unprocessed locally grown or locally raised

agricultural products, including the use of “locally grown,” “locally raised,” or “locally caught” as procurement specifications or selection criteria for unprocessed or minimally processed food items. When utilizing the geographic preference to procure such products, the SFA making the purchase has the discretion to determine the local area to which the geographic preference option will be applied, so long as there are an appropriate number of qualified firms able to compete.

For the purpose of applying the optional geographic procurement preference, “unprocessed locally grown or locally raised agricultural products” means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk.

7 C.F.R. 210.21(g), 220.16(f)

Sale of Milk

An SFA participating in the program, or a person approved by a school participating in the program, must not directly or indirectly restrict the sale or marketing of fluid milk (as described in 7 C.F.R. 210.10(d)(4)) at any time or in any place on school premises or at any school-sponsored event. *7 C.F.R. 210.21(e)*

Dairy Products

A district may not purchase milk, cream, butter, cheese, or a product consisting largely of one or more of those items that has been imported from outside the United States. This provision does not apply to the purchase of milk powder if domestic milk powder is not readily available in the normal course of business. *Health & Safety Code 435.021*

Imported Beef

A district may not purchase beef or a product consisting substantially of beef that has been imported from outside the United States. *Agriculture Code 150.012*

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[1] TDA’s Food and Nutrition Division *Administrator’s Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx

Note: For information regarding security breaches, see CQB.

For record retention requirements under specific statutes, see the applicable policy code.

Definitions

Custodian — "Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records. *Local Gov't Code 201.003(2)*

Disposition — "Disposition" means final processing of local government records by archival transfer under Local Government Code 203.049 or destruction under Local Government Code 202.001 or Government Code 441.0945. *13 TAC 7.71(5)*

Electronic Record — "Electronic record" means any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in Local Government Code 201.003(8), below. *13 TAC 7.71(6)*

Note: Additional definitions related to standards and procedures for management of electronic records are found in 13 Administrative Code 7.71.

Electronic Records System — "Electronic records system" means any information system that produces, manipulates, and stores local government records by using a computer. *13 TAC 7.71(7)*

Electronic Storage Media — "Electronic storage media" means all physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media. *13 TAC 7.71(8)*

Essential Record — "Essential record" means any local government record necessary to the resumption or continuation of district operations in an emergency or disaster, to the re-creation of the legal and financial status of the district, or to the protection and fulfillment of obligations to the people of the state. *Local Gov't Code 201.003(5)*

Local Government Record — "Local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a district or any of its officers or employees, pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the district;
2. Notes, journals, diaries, and similar documents created by an officer or employee of the district for the officer's or employee's personal convenience;
3. Blank forms, stocks of publications, or library and museum materials acquired solely for the purposes of reference or display;
4. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law; or
5. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a district participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Local Gov't Code 201.003(8)

Permanent Record	"Permanent record" or "record of permanent value" means any local government record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission (TSLAC) is given as permanent. *Local Gov't Code 201.003(10)*
Records Control Schedule	"Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by a district, their retention periods, and other records disposition information that the records management program in each district may require. *Local Gov't Code 201.003(12)*
Records Management	"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems. *Local Gov't Code 201.003(13)*

Records Management Officer	"Records management officer" means the person designated under Local Government Code 203.025 as the records management officer. [See Designation, below] *Local Gov't Code 201.003(14)*
Records Retention Schedule	"Records retention schedule" means a document issued by TSLAC under authority of Government Code Chapter 441, Subchapter J, establishing mandatory retention periods for local government records. *Local Gov't Code 201.003(15)*
Retention Period	"Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. *Local Gov't Code 201.003(16)*
Third-Party Custodians	"Third-party custodians" means parties with which a district may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code 203.025(f). *13 TAC 7.71(16)*

Board's Responsibilities

The board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the district and designed to furnish the information necessary to protect the legal and financial rights of the district, the state, and persons affected by the district's activities;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

Local Gov't Code 203.021

District's Duties

Each district shall:

1. Submit to the director and librarian of TSLAC the name of the district's records management officer and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;
3. Notify TSLAC at least 10 days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the district has prepared a records control schedule that:
    a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
    b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.169

Minimum Requirements for Electronic Records

Each district must:

1. Manage electronic records according to the district's records management program and records retention schedule regardless of format, system, or storage location;
2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the district through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;
6. Preserve the authenticity, integrity, reliability, and usability of the records;
7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;
8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and
9. Require all third-party custodians of records to provide the district with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the district's essential records.

Any technology for electronic records developed, used, or acquired by a district must support the district's ability to meet the minimum requirements in 13 Administrative Code 7.74(a) to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

13 TAC 7.74

Security of Electronic Records

Districts must implement and maintain an electronic records security program for office and storage areas that complies with 13 Administrative Code 7.75.

Note: The district's duties regarding maintenance of electronic storage media are set out in 13 Administrative Code 7.76. The minimum requirements for all electronic records systems are found in 13 Administrative Code 7.77.

Custodians of Records

District custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by a district for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of district business and the services, programs, and duties for which they and their staff are responsible; and

3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

Local Gov't Code 203.022

Records Management Officer

Designation

The board shall designate a records management officer by designating an individual or designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the board. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025(a)-(e)

Duties

The district's records management officer shall:

1. Assist in establishing and developing policies and procedures for a district's records management program;

2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;

3. In cooperation with the custodians of the records:

   a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;

   b. Identify and take adequate steps to preserve local government records of permanent value;

c. Identify and take adequate steps to protect essential local government records;

d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it;

4. Disseminate to the board and custodians of records information concerning state laws, administrative rules, and government policies relating to local government records; and

5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

Electronic Records Management Practices

District records management officers, in conjunction with the board, shall approve and institute written policies and procedures that communicate the district's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A district's policies and procedures must:

1. Establish a component of the district's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;

2. Integrate the management of electronic records into existing records and information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities;

4. Address electronic records management requirements, including retention requirements and final disposition;

5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and

6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A district's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement

13 TAC 7.73

Records Management Program

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. *Local Gov't Code 203.026(a)-(c)*

Electronic Records Management

The board and its records management officer, in cooperation with other employees of the district, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;
2. Integrate the management of electronic records with other records and information resources management programs;
3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;
4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;
5. Make training available for users of electronic records systems that addresses:
    a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and
    b. Records management concepts and applicable requirements, including any records management issues as they relate to item 5a;

6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and

7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

13 TAC 7.72(c)

Records Control Schedules

The records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each:

   a. All records created or received by the district;

   b. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and

   c. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and

2. File with the director and librarian a written certification of compliance that the district has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

Amendment of Schedules

The records management officer shall review the district's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the district or revisions to retention periods established in a records retention schedule issued by TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the district has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The board shall require in the ordinance or order establishing the records management program the review or approval of a records control schedule or amended schedule by the officers of the district as it considers necessary.

Local Gov't Code 203.041

Retention Periods

A retention period for each record on the records control schedule shall be determined by the board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court; or a retention period for the record established on a records retention schedule issued by TSLAC. *Local Gov't Code 203.042*

TSLAC Retention Schedules

TSLAC has adopted the following retention schedules, among others:

Local Schedule GR — Records Common to All Governments,

Local Schedule EL — Records of Elections and Voter Registration,

Local Schedule TX — Records of Property Taxation, and

Local Schedule SD — Records for Public School Districts.

These schedules establish mandatory minimum retention periods for the records listed.

13 TAC 7.126, .131, .134, .135

Note: Local government records retention schedules[1] are available on the TSLAC website.

Destruction of Records

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;
3. The record is not listed on a records retention schedule issued by TSLAC and the district provides notice to TSLAC at least 10 days before destroying the record as required by Government Code 441.169 [see District's Duties, above];
4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

Local Gov't Code 202.001

Electronic Records Destruction

Electronic records may be destroyed only in accordance with Local Government Code 202.001, above.

Each district must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

13 TAC 7.78(a), (b)

Exceptions

A local government record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A local government record that is subject to a request under Government Code Chapter 552 (Public Information Act) may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

[See FL regarding student records.]

Recordkeeping

As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Local Gov't Code 203.046*

Preservation of Records

Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.

Permanent Records

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it. *Local Gov't Code 204.002*

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it. *Local Gov't Code 205.002*

Records Offenses

Destruction or Alienation of Record

A board member or district employee commits an offense if the board member or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Subtitle C or by intentionally failing to deliver records to a succes-

sor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

Tampering with Governmental Record

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

Penal Code 37.10

Federal Investigations

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

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[1] Local Government Retention Schedules: https://www.tsl.texas.gov/slrm/recordspubs/localretention.html

District 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.

Required 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.

Not later than the 30th day after a new person is sworn in as a member 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.

A district shall annually submit to TEA the information required above for each member of the district's board of trustees. The in-

formation must identify the member designated as chair and be updated as required.

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 required postings are listed in the order they appear in 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.

Required Website 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. *Education Code 12A.005(a)(1); 19 TAC 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. *Education Code 12A.0071(a); 19 TAC 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 and maintain this until the district is assigned the accredited status. *19 TAC 97.1055(f)* [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. *19 TAC 97.1003(g)* [See AIA]

5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website. *19 TAC 97.1008(f)* [See AIB]

6. Not later than the 10th day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and

explanation of each accreditation status. *Education Code 39.362* [See AIB]

7. A district shall post its annual federal report card. *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. *19 TAC 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. *Education Code 39A.056; 19 TAC 97.1061(e)(3)(A)(ii)* [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. *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. *19 TAC 97.1064(e)* [See AIC]

12. A district shall post required election notices. *Election Code 85.007* [See BBBA]

13. A district shall post required election information. *Election Code 4.009* [See BBBA]

14. The district shall post the branch daily register each day early voting is conducted. *Election Code 85.072* [See BBBA]

15. A district shall post early voting rosters. *Election Code 87.121* [See BBBA]

16. A district shall post election results. *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. *Education Code 11.159(b); 19 TAC 61.1(k)* [See BBD]

18. A district shall post a report filed with the district by a candidate, board member, or specific-purpose committee pursuant to Election Code Chapter 254 not later than the 10th business day after it is received. *Election Code 254.0401* [See BBBC]

19. A district shall provide access to conflicts disclosure statements and questionnaires. *Local Gov't Code 176.009* [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health. *Education Code 28.004* [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings. *Education Code 28.004(d-1)* [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting. *Education Code 28.004(d-2)* [See BDF]

23. In addition to the other place at which notice or an agenda of a meeting is required to be posted by the Open Meetings Act, a district must also concurrently post notice of a meeting and the agenda for the meeting on the district's website. *Gov't Code 551.056(b)* [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. *Gov't Code 551.128(b-1)* [See BE]

25. A board shall post minutes of a regular or special meeting, as approved by the board, not later than the seventh day after the date of a meeting at which a quorum of the board is present and voting. *Education Code 11.0621(b)(1)* [See BE]

26. A board shall post any resolution adopted by the board not later than the seventh day after the date of the meeting at which the resolution was adopted. *Education Code 11.0621(b)(2)* [See BE]

27. A district must post notice at least seven days before the date on which a meeting is held to discuss the certification of compliance with Education Code 11.005 (prohibition on diversity, equity, and inclusion activities) and 28.0022 (instructional requirements and prohibitions). *Education Code 39.008* [See BJA, BT, EMB]

28. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot. *Election Code 4.003(f)* [See CCA]

29. 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. *Gov't Code 1251.052(d)* [See CCA]

30. A district issuing capital appreciation bonds shall post required information about the bonds. *Gov't Code 1201.0245* [See CCA]

31. The tax assessor for a district shall post prominently on a district's website a notice informing each owner of property located in the appraisal district that the estimated amount of taxes to be imposed on the owner's property may be found in the property tax database maintained by the appraisal district under Tax Code 26.17. *Tax Code 26.04(e-2)* [See CCG]

32. 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. *Education Code 11.184* [See CCG]

33. 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. *Tax Code 26.05(b)* [See CCG]

34. 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. *Former Tax Code 313.0265(c), as continued in effect by Tax Code 313.171* [See CCGB]

35. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget. *Education Code 44.0041* [See CE]

36. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information. *Tax Code 26.18* [See CE]

37. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted. *Education Code 44.0051* [See CE]

38. A district shall continuously post its contact information and Annual Local Debt Report 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. *Local Gov't Code 140.008; 34 TAC 10.1-.6* [See CFA]

39. A district must post the Landowner's Bill of Rights statement provided by Government Code 402.031 before or at the same time as the district first represents in any manner to a landowner that the district possesses eminent domain authority. *Property Code 21.0112* [See CHG]

40. A district shall post each severance agreement entered into with an employee or independent contractor in a prominent place on its website. *Local Gov't Code 180.011* [See CJ, DEA]

41. 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. *19 TAC 103.1211(b)(1)* [See CKB]

42. 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. *Education Code 34.007* [See CNA]

43. If a district adopts the Health and Human Services model guidelines for use of digital devices developed under Education Code 38.0231(a), the district shall post the guidelines. *Education Code 38.0231(d)* [See CQC]

44. 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. *Education Code 22.004(d)* [See CRD]

45. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent. *17 U.S.C. 512(c)(2)* [See CY]

46. A district shall post its employment policy and any regulations referenced. *Education Code 11.1513(a)* [See DC]

47. A district shall post the board's employment policies. *Education Code 21.204(d)* [See DCB]

48. The board shall make publicly available in a prominent location on the district's website procedures for resolving grievances; standardized forms for filing a grievance, a notice of appeal, or a request for a hearing; and the method by which a grievance may be filed electronically. *Education Code 26A.003* [See DGBA, FNG, GF]

49. The board shall adopt and post on the district's website early childhood literacy and mathematics proficiency plans that set specific annual goals. *Education Code 11.185(a)* [See EA]

50. 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. *Education Code 11.185* [See EA]

51. 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. *Education Code 11.186* [See EA]

52. A district shall make available on the district's website at the beginning of each semester an instructional plan or course syllabus for each class offered in the district for that semester. *Education Code 26.0062* [See EEP]

53. A district shall post on the home page of the district's website a notice stating that a parent of a student enrolled in the district is entitled to review instructional materials and may request that the district make the instructional materials available for review. *Education Code 26.006(g)* [See EFA]

54. If established, a local school library advisory council shall ensure that notice of the date, hour, place, and subject of its meetings are posted at least 72 hours before the meeting on the district's website, along with minutes and audio or video recording of the meetings. *Education Code 33.025* [See EFB]

55. A district shall post on its website a form adopted by TEA to be used in making written challenges to library materials. *Education Code 33.027* [See EFB]

56. 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. *Education Code 28.004(j)* [See EHAA]

57. 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. *Education Code 29.0112* [See EHBAD]

58. Each year, a district shall post a report on measurable outcomes for each dropout recovery education program offered by the district. *Education Code 29.081(e-6)* [See EHBC]

59. 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. *19 TAC 102.1003(h)* [See EHBG]

60. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program. *Education Code 28.009(b-2)* [See EHDD]

61. A district shall publish information from TEA explaining the advantages of the distinguished level of achievement and each endorsement. *Education Code 28.02121* [See EIF]

62. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered. *Education Code 29.916* [See EK]

63. 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 districtwide. *20 U.S.C. 6312(e)(2)(B)* [See EKB]

64. A district shall post in a prominent location the form developed by TEA for providing information about parental rights and options. *Education Code 26.001(d)(4)* [See FA]

65. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless. *Education Code 33.906* [See FDC]

66. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements. *Education Code 38.019* [See FFAB]

67. 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. *Education Code 38.0151* [See FFAF]

68. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy. *34 C.F.R. 106.8(b)* [See FFH]

69. A district must make available all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. *34 C.F.R. 106.45(b)(10)(i)(D)* [See FFH]

70. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy. *Education Code 37.0832(e)* [See FFI]

71. A district shall post the email address and dedicated phone number of the campus behavior coordinator for each district campus. *Education Code 26.015* [See FO]

72. A district that suspends the applicability of the requirements of the Public Information Act must provide notice to the public of the suspension. The district must maintain the notice of the suspension during the suspension period. *Gov't Code 552.2325(h)* [See GBAA]

73. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must post a statement that a request may be made by that method unless the statement is on the sign required by Government Code 552.205. *Gov't Code 552.234(b)* [See GBAA]

74. 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. *Gov't Code 552.235* [See GBAA]

75. 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, including the appeal process. *Education Code 37.105; 19 TAC 103.1207(g)* [See GKA]

Optional Website Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet. *Gov't Code 551.128* [See BE]

2. A district may make its proposed budget clearly accessible on the home page of the district's website instead of including a physical copy of the proposed budget with the notice of a meeting at which the board will discuss or adopt a budget. *Gov't Code 551.043(c)* [See BE, CCG]

3. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the an-

nual financial management report. *19 TAC 109.1001(q)(3)(B)(i)* [See CFA]

4. 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. *Education Code 11.1513* [See DC]

5. A district shall either post online or provide physical copies of the report on library materials. *Education Code 35.006* [See EFB]

6. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services. *34 C.F.R. 300.504(b)* [See EHBAE]

7. 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. *Education Code 28.010* [See EHDD]

8. A board may post a mailing address and email address designated for receiving written requests for public information on its website. *Gov't Code 552.234(d)* [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;

2. Appears to represent property boundaries; and

3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

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

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
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DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFF	Reduction in Force
DFFA	Financial Exigency

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SECTION D: PERSONNEL

DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
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DGBA	Employee Complaints/Grievances
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DH	EMPLOYEE STANDARDS OF CONDUCT
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DHB	Reports to State Board for Educator Certification
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DHF	Gifts and Solicitations
DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	EMPLOYEE RECOGNITION AND AWARDS
DK	ASSIGNMENT AND SCHEDULES
DL	WORK LOAD
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DLB	Required Plans and Reports
DM	PROFESSIONAL DEVELOPMENT
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	PERFORMANCE APPRAISAL
DNA	Evaluation of Teachers
DNB	Evaluation of Campus Administrators
DP	PERSONNEL POSITIONS
DPA	Principals
DPB	Other Personnel Positions
DPC	Substitute, Temporary, and Part-Time Positions

Employment Policies

A board shall adopt a policy providing for the employment and duties of district personnel. The policy shall provide that:

1. A board employs and evaluates the superintendent;
2. A superintendent has sole authority to make recommendations to a board regarding the selection of all personnel, except that the board may delegate final authority for those decisions to the superintendent [see Superintendent Recommendation, below];
3. Each principal must approve each teacher or staff appointment to the principal's campus as provided by Education Code 11.202 [see DK and DPA];
4. Notice will be provided of vacant positions [see Posting of Vacancies, below]; and
5. Each employee has the right to present grievances to the board. [See Grievances, below]

Education Code 11.1513(a), (d), (i)

Tax Identifier

A board shall adopt a policy prohibiting the use of social security numbers as employee identifiers other than for tax purposes [see Social Security Numbers, below]. *Education Code 11.1514* [See DBA]

Contract Positions

A board shall establish a policy designating specific positions of employment, or categories of positions based on considerations such as length of service, to which continuing contracts or term contracts apply. *Education Code 21.002(c)* [See DCB and DCC]

Delegation of Authority

A district's employment policy may specify the terms of district employment or delegate to the superintendent the authority to determine the terms of employment with the district. *Education Code 11.1513(c)* [For nepotism implications, see BBFB and DBE]

Availability

A district shall post on its internet website, if the district has a website, the employment policy adopted by the board under Education Code 11.1513(a) and the full text of any regulations referenced in the policy.

A district shall make available any forms referenced in its employment policy on an intranet website that is maintained by the district and accessible to district employees, or at a district administrative office designated by the district if the district does not maintain an intranet website.

Education Code 11.1513(k)

Internal Auditor

If a district employs an internal auditor, the board shall select the internal auditor and the internal auditor shall report directly to the board. *Education Code 11.170* [See CFC]

Superintendent Recommendation

A board may accept or reject a superintendent's recommendation regarding the selection of district personnel and shall include the board's acceptance or rejection in the minutes of the board's open meeting, in the certified agenda or tape recording of a closed meeting, or in the recording required under Government Code 551.125 or 551.127, as applicable. If a board rejects a superintendent's recommendation, the superintendent shall make alternative recommendations until the board accepts a recommendation. *Education Code 11.1513(b)*

Posting of Vacancies

A district's employment policy must provide that not later than the fifth school day before the date on which a district fills a vacant position for which a certificate or license is required as provided by Education Code 21.003 [see DBA], other than a position that affects the safety and security of students as determined by the board, the district must provide to each current district employee:

1. Notice of the position by posting the position on:
    a. A bulletin board at:
        (1) A place convenient to the public in the district's central administrative office, and
        (2) The central administrative office of each campus during any time the office is open; or
    b. The district's internet website, if the district has a website; and
2. A reasonable opportunity to apply for the position.

Education Code 11.1513(d)

Exception

If, during the school year, a district must fill a vacant position held by a teacher, as defined by Education Code 21.201 [see DCB], in less than five school days, the district must provide notice of the position in the manner described above as soon as possible after the vacancy occurs. However, a district is not required to provide the notice for five school days before filling the position or to provide a reasonable opportunity to apply for the position. *Education Code 11.1513(e)*

Grievances

A district's employment policy must provide each employee with the right to present grievances to the board. The policy may not restrict the ability of an employee to communicate directly with a member of the board regarding a matter relating to the operation of

a district, except that the policy may prohibit ex parte communication relating to:

1. A hearing under Education Code Chapter 21, Subchapter E (Term Contracts) or F (Hearing Examiners); and
2. Another appeal or hearing in which ex parte communication would be inappropriate pending a final decision by the board.

Education Code 11.1513(i)–(j) [See DGBA]

Transfers A district's employment policy may include a provision for providing each current district employee with an opportunity to participate in a process for transferring to another school in or position with the district. *Education Code 11.1513(c)(3)* [See DK]

Daily Rate of Pay The employment policy must provide that for purposes of determining the amount of a reduction in the salary of a classroom teacher, full-time counselor, or full-time librarian for unpaid leave, the employee's daily rate of pay is computed by dividing the employee's annual salary by the number of days the employee is expected to work for that school year. *Education Code 11.1513(l)* [See DEC]

Contract Employees A district shall employ each classroom teacher, principal, librarian, nurse, or school counselor under a probationary contract, a continuing contract, or a term contract. A district is not required to employ a person other than these listed employees under a probationary, continuing, or term contract. *Education Code 21.002*

Classroom Teacher "Classroom teacher" means an educator who is employed by a district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator. *Education Code 5.001(2)*

Minimum Length of Contract A contract between a district and an educator must be for a minimum of 10 months of service. An educator employed under a 10-month contract must provide a minimum of 187 days of service. *Education Code 21.401(a), (b)*

Proportionate Reduction If a district anticipates providing less than 180 days of instruction for students during a school year, as indicated by the district's academic calendar, the district may reduce the number of days of service proportionately. A reduction by the district does not reduce an educator's salary. *Education Code 21.401(c-1)*

Commissioner Waiver The commissioner of education may reduce the number of days of service if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools. A reduc-

tion by the commissioner does not reduce an educator's salary. *Education Code 21.401(c), 25.081(b)*

Educational Aides

A board shall establish a plan to encourage the hiring of educational aides who show a willingness to become certified teachers. *Education Code 54.363(f)*

Employment of Retirees

Monthly Certified Statement

A district shall submit to the Teacher Retirement System of Texas (TRS) a monthly certified statement of employment for all retirees employed by the district during each month of a school year. A district shall inform TRS of changes in status of the district that affect the district's reporting responsibilities.

Deadline

A district must submit the monthly certified statement and all required employer surcharges under 34 Administrative Code 31.3 (relating to Return-to-Work Employer Pension Surcharges) for each report month from September through July before the eleventh day of the month following the applicable report month. For the monthly certified statement for the report month of August, the employer shall submit the monthly certified statement and all required employer surcharges before the seventh day of September.

If the due date for submission of a monthly certified statement and required employer surcharges falls on a weekend or federal holiday, a district shall submit the monthly certified statement and required employer surcharges on the last business day prior to the due date.

Late Submissions

A district that fails to timely submit a monthly certified statement and all required employer surcharges must also pay all applicable interest and late fees. A district must pay to TRS the late fee established by rule for each business day that the monthly certified statement is past due.

Required Information

A monthly certified statement is not considered submitted to TRS until it is completed. To be complete, the monthly certified statement must include all the following information regarding a retiree employed by the employer during the report month:

1. The number of hours and days worked by the retiree;
2. Whether the retiree's employment qualifies as one or more of the following types:
    a. Substitute employment;
    b. One-half time or less employment;
    c. Employment as a tutor under Education Code 33.913;

d. Employment in a federally funded COVID-19 personnel position that meets the requirements of Government Code 824.6021 and 34 Administrative Code 31.16 (relating to Federally Funded COVID-19 Personnel);

e. Full-time employment;

f. Trial employment of a disability retiree for up to three months; or

g. Any combination of these types;

3. The amount of gross compensation paid to the retiree during the report month;

4. The total amount due under 34 Administrative Code 41.4 (relating to Employer Health Benefit Surcharge); and

5. Any other information requested by TRS.

An administrator of a district who is responsible for filing the statement, and who knowingly fails to file the statement, commits an offense.

Gov't Code 824.6022, 825.403(k); 34 TAC 31.2

Former Board Member Employment

A board member is prohibited from accepting employment with the district until the first anniversary of the date the board member's membership on a board ends. *Education Code 11.063* [See BBC]

New Hires

I-9 Forms

A district shall ensure that an employee properly completes section 1 — ''Employee Information and Verification'' — on Form I-9 at the time of hire.

A district must verify employment eligibility, pursuant to the Immigration Reform and Control Act, and complete Form I-9 by the following dates:

1. Within three business days of initial hiring. If a district hires an individual for employment for a duration of less than three business days, the district must verify employment at the time of hire. A district shall not be deemed to have hired an individual if the individual is continuing in his or her employment and has a reasonable expectation of employment at all times. When a district rehires an individual, the district may, in lieu of completing a new I-9, inspect a previously completed I-9 executed within three years of the date of rehire, to determine whether the individual is still eligible to work.

2. For an individual whose employment authorization expires, not later than the date of expiration.

8 C.F.R. 274a.2(b)(1)(ii), (iii), (vii), (viii)

New Hire Reporting

A district shall furnish to the Directory of New Hires (Texas Attorney General's Office) a report that contains the name, address, and social security number of each newly hired employee. The report shall also contain a district's name, address, and employer identification number.

A district may also provide, at its option, the employee's date of hire, date of birth, expected salary or wages, and the district's payroll address for mailing of notice to withhold child support.

A district shall report new hire information on a Form W-4 or an equivalent form, by first class mail, telephonically, electronically, or by magnetic media, as determined by the district and in a format acceptable to the attorney general.

Deadline

New hire reports are due:

1. Not later than 20 calendar days after the date a district hires the employee; or

2. In the case of a district transmitting reports magnetically or electronically, by two monthly transmissions (if necessary) not less than 12 days nor more than 16 days apart.

New hire reports shall be considered timely if postmarked by the due date or, if filed electronically, upon receipt by the agency.

Penalties

A district that knowingly violates the new hire provisions may be liable for a civil penalty, as set forth at Family Code 234.105.

42 U.S.C. 653a(b), (c); Family Code 234.101–.105; 1 TAC 55, Subch. I

Donations for Supplemental Educational Staff

A district shall accept from a parent-teacher organization or association recognized by the district a donation designated to fund supplemental educational staff positions at a school campus and spend the donation accepted for the designated purpose at the direction of and within the time period specified by the school campus for which the donation was designated. This provision expires September 1, 2025. *Education Code 11.156(c), (d)*

Social Security Numbers

A board shall adopt a policy prohibiting the use of the social security number of an employee of the district as an employee identifier other than for tax purposes. *Education Code 11.1514* [See DBA]

Federal Law — A district shall not deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her social security number.

Exceptions — The federal law does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the social security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;

2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or

3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses — A district that requests disclosure of a social security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

Privacy Act of 1974, Pub. L. No. 93-579, Sec. 7, 88 Stat. 1896, 1897 (1974)

Employment Assistance Prohibited

Federal Law — A district that receives Title I funds shall have regulations or policies that prohibit any individual who is a school employee, contractor, or agent, or a district, from assisting a school employee in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or district knows, or has probable cause to believe, that such school employee engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investi-

gated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee engaged in sexual misconduct regarding a minor or student in violation of the law;

2. The school employee has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or

3. The case or investigation remains open and there have been no charges filed against, or indictment of, the school employee within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C 7926 [See also CJ]

State Law

SBEC may suspend or revoke a certificate, impose other sanctions against the person, or refuse to issue a certificate to the person if:

1. The person assists another person in obtaining employment at a school district, private school, or open-enrollment charter school, other than by the routine transmission of administrative and personnel files; and

2. The person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law.

The commissioner may require a school district to revoke or decline to issue a school district teaching permit under Education Code 21.055 issued to or requested by a person subject to SBEC action above.

Education Code 21.0581; 19 TAC 249.15(b)(13)

Personnel Duties

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

Posting Vacancies

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

Applications

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

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

Employment of Contractual Personnel

The Superintendent has sole authority to make recommendations to the Board regarding the selection of contractual personnel in the position of assistant principal, principal, and director level and above.

The Board retains final authority for employment of contractual personnel in a position of assistant principal, principal, and director level and above. The Board delegates to the Superintendent the authority to employ contractual personnel in a position below assistant principal.

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

Employment of Noncontractual Personnel

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

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

Employment Assistance Prohibited

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

Incentive Grants — Contract Provision

A district shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the district participates in the program. A district shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

Educator Excellence Innovation Program

The Educator Excellence Innovation Program (EEIP) is a grant program under which a district may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. The Texas Education Agency (TEA) will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

Eligibility

A district is eligible to apply for EEIP grant funds if the district:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the commissioner of education;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

Local Plan

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

A district must act pursuant to its local board policy [see DEAA (LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and

submit a plan and grant application may not be appealed to the commissioner.

A district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, a district may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the district receives a program grant.

Use of Grant Funds

A district may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the district's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see Mentor Teachers, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
    a. The results of classroom observation, which may include student comments;
    b. The degree of student educational growth and learning; and
    c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

Waiver Request

A district may apply to the commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;

2. Approval for the waiver by a vote of a majority of the members of the board;

3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and

4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

Education Code Ch. 21, Subch. O; 19 TAC 102.1073

Local Optional Teacher Designation System

A district may designate a classroom teacher as a master, exemplary, recognized, or acknowledged teacher for a five-year period based on the results from single year or multiyear appraisals [see DNA]. *Education Code 21.3521(a)*

Commissioner's Rules

The commissioner's rules specify the requirements for districts to implement local teacher designation systems, including:

1. Teacher eligibility;

2. Application procedures and approval process;

3. System expansion, spending modifications, and changes;

4. Monitoring and annual program submission of approved local designation systems;

5. Continuing approval and renewal; and

6. Funding.

19 TAC 150.1012

Standards

The commissioner's rules establish performance and validity standards for each local optional teacher designation system that:

1. Must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and

2. May not require a district to use an assessment instrument adopted under Education Code 39.023 to evaluate teacher performance.

Education Code 21.3521(b); 19 TAC 150.1014

Teacher Incentive Allotment

For each classroom teacher with a local optional teacher designation, a district is entitled to an allotment, adjusted by high needs and rural factors, as determined under Education Code 48.112.

A district shall annually certify that:

1. Funds received were used as follows:

   a. At least 90 percent was used for the compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed; and

   b. Any other funds were used for costs associated with implementing the local optional teacher designation system, including efforts to support teachers in obtaining designations; and

2. The district prioritized high needs campuses in the district in using funds.

Education Code 48.112(c), (i)

Nationally Board Certified Designation

A classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards may be designated as nationally board certified in accordance with the commissioner's rules for eligibility. This designation is valid for a five-year period, regardless of whether the State Board for Educator Certification (SBEC) revokes authorization for a nationally board certified teacher designation. *Education Code 21.3521(c)-(c-1); 19 TAC 150.1013*

Enhanced Teacher Incentive Allotment Systems

Each school year, the commissioner shall, using criteria developed by the commissioner, designate as enhanced teacher incentive allotment system school districts that implement comprehensive school evaluation and support systems. The criteria developed by the commissioner must require a district to:

1. For principals and assistant principals, implement:

   a. A strategic evaluations system aligned with the district's or school's teacher designation system; and

   b. A comprehensive system based on performance;

2. Ensure that under the district's teacher designation system substantially all classroom teachers, regardless of the grade level or subject area to which the teacher is assigned, are eligible to earn a designation under Education Code 21.3521(a);

3. Implement for all classroom teachers a compensation plan based on performance that:

   a. Uses a salary schedule that differentiates among classroom teachers based on staff appraisals; and

   b. Does not include across-the-board salary increases for classroom teachers except for periodic changes to the district's or school's salary schedule to adjust for significant inflation and;

4. Implement a locally designed plan to place highly effective teachers at high needs campuses and in accordance with Education Code 28.0062(a)(3).

The commissioner may designate a school district as an enhanced teacher incentive allotment system only if the district has implemented a local optional teacher designation system under Education Code 21.3521.

The commissioner may remove a school district's designation as an enhanced teacher incentive allotment system if the commissioner determines the district no longer meets the criteria for the designation.

Education Code 21.3521(d-1)-(d-3)

For a district that is designated as an enhanced teacher incentive allotment system under Education Code 21.5321(d-1), the commissioner shall increase the amount to which the district is entitled under Education Code 48.112 by multiplying that amount by 1.1. *Education Code 48.112(g-1)*

For a district whose allotment increased under Education Code 48.112(g-1), the district must annually certify the amount by which the allotment was increased under Education Code 48.112(g-1) was used to meet the criteria to maintain a designation as an enhanced teacher incentive allotment system under Education Code 21.3521(d-1). *Education Code 48.112(i)(B)*

Technical Assistance from TEA

TEA shall develop and provide technical assistance for districts that request assistance in implementing a local optional teacher designation system listed in Education Code 21.3521(e). *Education Code 21.3521(e)*

	From funds appropriated or otherwise available for this purpose, TEA shall establish and administer a grant program to provide money and technical assistance as described in law. *Education Code 21.3522*
No Property Right	A teacher has no vested property right in a teacher designation assigned under a local optional teacher designation system. A teacher designation is void in the determination that the designation was issued improperly, and the Administrative Procedure Act does not apply to the voiding of a local optional teacher designation. *Education Code 21.3521(f)*
Evaluations	TEA shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems and the teacher incentive allotment and report the results of the evaluations to the legislature. A district that has implemented a local optional teacher designation system or received funds under the teacher incentive allotment shall participate in the evaluations. *Education Code 21.3521(g)*
Teacher Retention Allotment	A school district is entitled to an annual allotment for each classroom teacher who is employed by or contracts with the district for which the allotment is provided as determined under Education Code 48.158(b). "Classroom teacher," for purposes of this allotment, is defined by Education Code 5.001, except the term also includes a person who is not required to hold a certificate under Subchapter B, Chapter 21 who otherwise meets the definition of classroom teacher under Education Code 5.001, and a person employed by an entity with which a school district has entered into a contract who otherwise meets the definition of a classroom teacher under Education Code 5.001. *Education Code 48.158(a)-(b)*
Use of Teacher Retention Allotment for 2025-26	For the 2025-26 school year, a school district shall use money received under the Teacher Retention Allotment to increase the salary provided to each classroom teacher for which the district is entitled to funding under the Teacher Retention Allotment for that year over the salary the teacher received or would have received if the teacher was employed by or contracted with the district in the 2024-25 school year by at least the amount received per classroom teacher under the Teacher Retention Allotment. *Education Code 48.158(c)(1)*

Use of Teacher Retention Allotment for 2026-27 and Beyond

For the 2026-27 and each subsequent school year, a school district shall use money received under the Teacher Retention Allotment to maintain the salary increases for classroom teachers provided under for the 2025-26 school year, above. Any additional funding generated for a school district under this section may only be used for the compensation of classroom teachers who are employed by or contract with the district and who have three or more years of experience. *Education Code 48.158(d)*

Use of Teacher Retention Allotment by Enhanced TIA Systems

For the 2025-26 school year, if the district is applying to be designated as an enhanced teacher incentive allotment system, the district shall use the money received for the Teacher Retention Allotment to increase the salaries of classroom teachers for the year based on performance.

A school district that has been designated as an enhanced teacher incentive allotment system for the applicable school year may use money received under the Teacher Retention Allotment to provide salaries to classroom teachers in accordance with the district's compensation plan.

Education Code 48.158(c)(2), (e)

Support Staff Retention Allotment

A school district is entitled to an annual allotment of $45 for each student in adjusted average attendance, as defined in Education Code 48.1581(b). For the 2025-26 school year, a district shall use this allotment to increase the salaries provided to non-administrative staff. For the 2026-27 and each subsequent school year, a district shall use this allotment to maintain these salary increases. Any additional money the district receives under this section may only be used for the compensation of non-administrative staff. *Education Code 48.1581(c)*

"Non-administrative staff" includes a full-time or part-time employee who is not eligible for a salary increase from the Teacher Retention Allotment, above, including: a teacher not eligible for a salary increase under the Teacher Retention Allotment, above, a librarian, a school nurse, a teacher's assistant, a member of the custodial staff, a member of the food services staff, a bus driver, an administrative assistant, and other support staff.

"Non-administrative staff" does not include a superintendent of a school district or other administrator serving as educational leader and chief executive officer, an assistant superintendent or a person in an equivalent role, a principal or assistant principal, or an employee in a centralized supervisory role. *Education Code 48.1581(a)*

Use of Staff Retention Allotment for 2025-26

For the 2025-26 school year, a school district shall use money received under Education Code 48.1581(c) to increase the salaries provided to non-administrative staff. *Education Code 48.1581(d)*

Use of Staff Retention Allotment for 2026-27 and Beyond

For the 2026-27 and each subsequent school year, a school district shall use money received under Education Code 48.1581(c) to maintain the salary increases provided under Education Code 48.1581(d). Any additional money the district receives under this section may only be used for the compensation of non-administrative staff. *Education Code 48.1581(e)*

Mentor Teachers

A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

1. To the extent practicable, teach in the same school;
2. To the extent practicable, teach the same subject or grade level, as applicable; and
3. Meet the qualifications prescribed by commissioner's rules.

Education Code 21.458(a)

Commissioner's Rules

The commissioner's rules for receiving funds under the mentor program allotment specify the requirements for districts to implement a mentor training program, including:

1. Program requirements related to mentor selection, mentor assignment, training, roles and responsibilities, and meetings;
2. An application approval process;
3. Ongoing verification of compliance with program requirements;
4. Allowable expenditures; and
5. Program review through periodic reports.

19 TAC 153.1011

Assignment of Mentor

To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years.

A school district shall assign a mentor teacher to a classroom teacher who has been issued a temporary certificate to teach ca-

reer and technology education under Education Code 21.0444 for at least two school years.

Education Code 21.458(a-1), (a-2)

Requirements for Mentor

The commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the commissioner;
2. Complete a mentor training program provided by the district, which the district may allow to be satisfied by completing the commissioner's research-based mentor and induction training program above;
3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and
4. Demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

Education Code 21.458(b)

Training

A district must provide the training program described above to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. A district may allow the commissioner's research-based mentor and induction training program to qualify for the district's required training. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. A district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices. *Education Code 21.458(b-1)*

Mentoring Sessions

A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester.

Unless the district has created a mentoring curriculum as provided below, the mentoring sessions must address the following topics:

1. Orientation to the context, policies, and practices of the school district;
2. Data-driven instructional practices;

3. Specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;

4. Professional development; and

5. Professional expectations.

Subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.

A district must:

1. Designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and

2. Schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

Education Code 21.458(f), (f-1)

Achievement Academy Stipends

Literacy Achievement Academy

A classroom teacher who provides instruction to students in kindergarten through third grade and completes a literacy achievement academy is entitled to receive a stipend from the school district in the amount determined by the commissioner. A district may provide a stipend to a classroom teacher who provides instruction to students in a grade level above third grade. A stipend received under this subsection is not considered in determining whether a school district is paying the classroom teacher the minimum monthly salary under Education Code 21.402.

A school district is not required to provide a literacy achievement academy stipend to a classroom teacher if the teacher:

1. Attends the literacy achievement academy as part of an educator preparation program in which the teacher is enrolled;

2. Attends the literacy achievement academy on a day or during hours of service included in the term of the teacher's contract; or

3. Is not directed or approved by the school district at which the teacher is employed to attend the literacy achievement academy.

Education Code 21.4552(d), (d-1)

Mathematics Achievement Academy

A classroom teacher who completes a mathematics achievement academy is entitled to receive a stipend from the school district in the amount determined by the commissioner. A stipend received under this subsection is not considered in determining whether a district is paying the classroom teacher the minimum monthly salary under Education Code 21.402.

A school district is not required to provide a stipend under the mathematics achievement academy to a classroom teacher if the teacher:

1. Attends the mathematics achievement academy as part of an educator preparation program in which the teacher is enrolled;
2. Attends the mathematics achievement academy on a day or during hours of service included in the term of the teacher's contract; or
3. Is not directed or approved by the school district at which the teacher is employed to attend the mathematics achievement academy.

Education Code 21.4553(d), (d-1)

Post Secondary Career Counseling Academy Stipend

A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*

Autism Training

A district may provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center (ESC) relating to autism. A school district that decides to provide an incentive or compensation shall adopt a policy to implement this section. *Education Code 21.465*

Retirement Incentives

A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

Attendance Supplement

A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

Note: For a detailed treatment of termination and nonrenewal of educator contracts, see policies DFAA and DFAB (Probationary Contracts), and DFBA and DFBB (Term Contracts).

Withholding Information

An attempt by any district employee to encourage or coerce a child to withhold information from the child's parent is grounds for discharge or suspension under Education Code 21.104 (probationary contracts) and 21.211 (term contracts) or by the State Board for Educator Certification (SBEC), if applicable. *Education Code 26.008(b)*

Registry of Persons Not Eligible for Employment

A district shall discharge, or refuse to hire, or terminate, a person listed on TEA's registry of persons who are not eligible to be employed. [See DBAA] *Education Code 22A.151(b)*

Discharge of Convicted Employees

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a criminal history record information (CHRI) review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for:
    a. An offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62;
    b. An offense under Penal Code 21.12, Improper Relationship Between an Educator and a Student, or Penal Code 43.24, Sale, Distribution, or Display of Harmful Material to a Minor;
    c. A felony offense under Penal Code Chapter 43, Public Indecency;
    d. A felony offense involving school property; or
    e. An offense under the laws of another state or federal law that is equivalent to items a, b, c, or d; or
2. Convicted of:
    a. A felony under Title 5, Penal Code; or
    b. An offense under the laws of another state or federal law that is equivalent to an offense under item 2a, above.

Exception

However, a district is not required to discharge an employee if the person committed an offense under Title 5, Penal Code, and:

1. The date of the offense is more than 30 years before the date the person's employment will begin; and

2. The employee satisfied all terms of the court order entered on conviction.

Education Code 22A.157(a)-(b), 22A.201(a) [See DBAA]

Certification to Commissioner

Each school year, a superintendent shall certify to the commissioner that the district has complied with the above provisions. *Education Code 22A.157(f)*

Sanctions

SBEC may impose a sanction on an educator who does not discharge an employee if the educator knows or should have known, through a criminal history record information review, that the employee has criminal history described in Discharge of Convicted Employees, above. *Education Code 22A.157(e)*

Termination for Failure to Disclose

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to SBEC or the district. An employee so discharged is considered to have been discharged for misconduct for purposes of Labor Code 207.044 (unemployment compensation). *Education Code 22A.157(d)*

Certain Offenses Against Students

Mandatory Termination

If a district receives notice that SBEC has revoked the certificate of a person based on the offenses listed at Discharge of Convicted Employees, the district shall:

1. Immediately remove the person whose certificate has been revoked from campus or from an administrative office, as applicable, to prevent the person from having any contact with a student; and

2. For a person employed under a Chapter 21 probationary or term contract, with the approval of the board or its designee:

   a. Suspend the person without pay;

   b. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and

   c. Terminate the employment of the person as soon as practicable.

Education Code 22A.201(a), (c)

Discretionary Termination

If a district becomes aware that a person employed by the district under a probationary or term contract under Chapter 21 has been convicted of or received deferred adjudication for a felony offense, and the person is not subject to the mandatory termination provi-

sion above, the district may, with the approval of the board or its designee:

1. Suspend the person without pay;
2. Provide the person with written notice that the person's contract is void [see Notice to Employee, below]; and
3. Terminate the employment of the person as soon as practicable.

Education Code 22A.201(d)

Notice to Employee

A person's probationary or term contract under Chapter 21 is void if, with the approval of the board or its designee, the district provides written notice to the person, under the mandatory or discretionary termination provisions above, that the person's contract is void. *Education Code 22A.201(e)*

No Appeal

Action taken by a district under the mandatory or discretionary terminations provisions above is not subject to appeal under Education Code Chapter 21 and the notice and hearing requirements of Chapter 21 do not apply to the action. *Education Code 22A.201(g)*

Invalid or Expired Certification

An employee's probationary or term contract is void if the employee:

1. Does not hold a valid certificate or permit issued by SBEC;
2. Fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Education Code Chapter 21, Subchapter B; or
3. Fails to comply with any requirement under Education Code Chapter 22, Subchapter C [criminal history review, see DBAA], if the failure results in suspension or revocation of the employee's certificate.

Education Code 21.0031(a)

A certificate or permit is not considered to have expired if:

1. The employee has completed the requirements for renewal of the certificate or permit;
2. The employee submitted the request for renewal before the expiration date; and

3. The date the certificate or permit would have expired is before the date SBEC takes action to approve the renewal of the certificate or permit.

Education Code 21.0031(f)

District's Options

If a district has knowledge that an employee's contract is void under Education Code 21.0031(a), the district may:

1. Terminate the employee;
2. Suspend the employee with or without pay; or
3. Retain the employee for the remainder of the school year on an at-will employment basis in a position that does not require a contract under Education Code 21.002, at the employee's existing rate of pay or at a reduced rate.

The employee is not entitled to the minimum salary prescribed by Education Code 21.402.

Education Code 21.0031(b)

Exception

A district may not terminate or suspend an employee under 21.0031(b) because of the employee's lack of a valid certificate or permit, or failure to renew or extend a certificate or permit, if:

1. The employee requests an extension from SBEC to renew, extend, or otherwise validate the employee's certificate or permit; and
2. Not later than the 10th day after the date the contract is void, the employee takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by SBEC.

Education Code 21.0031(b-1)

No Appeal or Chapter 21 Hearing

A school district's decision under Education Code 21.0031(b) is not subject to appeal under Education Code Chapter 21, and the notice and hearing requirements of that chapter do not apply to the decision. *Education Code 21.0031*

Applicability

These void contract provisions do not affect the rights and remedies of a party in an at-will employment relationship and do not apply to a certified teacher assigned to teach a subject for which the teacher is not certified. *Education Code 21.0031; Nunez v. Simms, 341 F.3d 385 (5th Cir. 2003)*

Report to SBEC

A superintendent shall report the educator's termination to SBEC if the conditions set forth at Education Code 22A.051 exist. [See DHB]

Report to Superintendent

A principal shall report the educator's termination to the superintendent if the conditions set forth at Education Code 22A.051 exist. [See DPA]

Falsification of Military Record

A district may discharge an employee, regardless of whether the employee is employed under an employment contract, if the district determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute an offense under Penal Code 32.54.

An employment contract entered into by a district with an employee discharged by the employer under Labor Code Chapter 105 is void and unenforceable as against public policy. [See DF series]

Labor Code Ch. 105

Prohibition on Diversity, Equity, and Inclusion

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district employee or contractor who intentionally or knowingly engages in or assigns to another person diversity, equity, and inclusion duties. The district shall provide a physical and electronic copy of the policy and procedure to each district employee or contractor.

The policy and procedure adopted by a district must ensure that an employee or contractor receives adequate due process and an opportunity to appeal disciplinary actions, including termination, in the same manner provided for other disciplinary actions. [See BT]

Education Code 11.005(c)-(d)

Prohibited Classroom Instruction

A district shall adopt a policy and procedure for the appropriate discipline, including termination, of a district or school employee or contractor who intentionally or knowingly engages in or assigns to another person an act prohibited by Education Code 28.0022 (Certain Instructional Requirements and Prohibitions). The district shall provide a physical and electronic copy of the policy and procedure to each district or school employee or contractor. [See EMB] *Education Code 28.0022(h)*

Suspension Without Pay

A board may, for good cause as determined by the board, suspend an employee without pay:

1. Pending discharge, or
2. In lieu of termination.

The suspension may not extend beyond the end of the school year.

Education Code 21.211(b)

Back Pay

If an employee is not discharged after being suspended without pay pending discharge, the employee is entitled to back pay for the period of suspension. *Education Code 21.211(c)*

Grounds for Dismissal

A board may terminate a term contract and discharge a term contract employee at any time for:

1. Good cause as determined by the board; or
2. A financial exigency that requires a reduction in personnel.

Education Code 21.211(a)

Notice

Before any term contract employee is dismissed for good cause, the employee shall be given reasonable notice in writing of the charges against him or her and an explanation of a district's evidence, set out in sufficient detail to fairly enable the employee to show any error that may exist. *Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532 (1985)*

Hearing

If a term contract employee desires a hearing before an independent hearing examiner, the employee must file a written request with the commissioner of education not later than the 15th day after the date the employee receives notice of the proposed termination or suspension without pay. The employee must provide a district with a copy of the request and must provide the commissioner with a copy of the notice.

The parties may agree in writing to extend by not more than 10 days the deadline for requesting a hearing.

Education Code 21.251(a), .253 [See DFD]

Financial Exigency

An employee who is protesting proposed action to terminate a term contract at any time on the basis of a financial exigency declared under Education Code 44.011 [see CEA] that requires a reduction in personnel must notify the board in writing not later than the 10th day after the date the employee receives notice of the proposed action. The employee is entitled to a hearing in the manner provided under Education Code 21.207 for nonrenewal of a term con-

tract [see DFBB] or a hearing under Education Code Chapter 21, Subchapter F, as determined by the board. *Education Code 21.159*

Report by Principal

The principal of a district, including a district of innovation, must notify the superintendent not later than the seventh business day after the date of an educator's termination of employment following an alleged incident of misconduct described by Education Code 22A.051(a) or the principal knew about an educator's misconduct under Education Code 22A.051(a)(1), or not later than 48 hours after the principal becomes aware of evidence of misconduct described by Education Code 22A.051(a)(2)(A), (B), (C), or (D)(b)(1). *Education Code 22A.051(c); 19 TAC 249.14(e)* [See DPA]

Resignation without Consent (Unilateral Resignation)

An educator employed under a probationary contract for the following school year, or under a term or continuing contract, may relinquish the position and leave district employment at the end of the school year without penalty by filing a written resignation with a board or a board's designee not later than the 45th day before the first day of instruction of the following school year.

A written resignation mailed by prepaid certified or registered mail to a board president or a board's designee at the post office address of the district is considered filed at the time of mailing.

Education Code 21.105(a), .160(a), .210(a)

An unequivocal resignation filed not later than the 45th day before the first day of instruction of the following school year is effective upon filing with a district and the district cannot reject such a resignation. The resignation cannot be withdrawn by the teacher based on an argument that the district has not accepted the resignation. *Fantroy v. Dallas Indep. Sch. Dist., Tex. Comm'r of Educ. Decision. No. 034-R8-0206 (Mar. 5, 2009); Garcia v. Miles Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 055-RI-503 (Nov. 30, 2006).*

Resignation with Consent

The educator may resign, with the consent of the board or the board's designee, at any other time. *Education Code 21.105(b), .160(b), .210(b)*

Acceptance or approval of a resignation indicates consent to abandonment of contract. *Quitman Indep. Sch. Dist. v. Wilkerson, Tex. Comm'r of Educ. Decision No. 142-TTC-698 (Dec. 2, 1999); Houston Indep. Sch. Dist. v. Johnson, Tex. Comm'r of Educ. Decision No. 054-TTC-1196 (Sept. 28, 1998)*

Contract Abandonment

Written Complaint

On written complaint by a district, the State Board for Educator Certification (SBEC) may impose sanctions against an educator who is employed under a probationary contract, or under a continuing or term contract, for the following school year, and who:

1. Resigns;
2. Fails without good cause to comply with the resignation deadline or the provision regarding resignation by consent; and
3. Fails without good cause to perform the contract.

Education Code 21.105(c), .160(c), .210(c)

Sanctions Prohibited

SBEC may not impose a sanction against a teacher who relinquishes a position under a probationary, term, or continuing contract and leaves the employment of the district after the 45th day before the first day of instruction for the upcoming school year in violation of and without the consent of the board if the teacher's fail-

ure to comply with Education Code 21.105(a), 21.160(a), or 21.210(a) was due to:

1. A serious illness or health condition of the teacher or a close family member of the teacher;
2. The teacher's relocation because the teacher's spouse or a partner who resides with the teacher changes employers or location of employment;
3. A significant change in the needs of the teacher's family in a manner that requires the teacher to:
    a. Relocate; or
    b. Forgo employment during a period of required employment under the teacher's contract; or
4. The teacher's reasonable belief that the teacher had written permission from the school district's administration to resign.

Education Code 21.105(g), .160(g), .210(g)

Board Action

SBEC shall not pursue sanctions against an educator who is alleged to have abandoned his or her contract unless a board:

1. Submits a written complaint within 30 calendar days after the effective date of the educator's separation from employment from the district. Unless the district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract.
2. Renders a finding that good cause did not exist under Education Code 21.105(c)(2) (probationary contract), 21.160(c)(2) (continuing contract), or 21.210(c)(2) (term contract). This finding constitutes prima facie evidence of the educator's lack of good cause but is not a conclusive determination.
3. Submits the following required attachments to the written complaint:
    a. The educator's resignation letter, if any;
    b. The agreement with the educator regarding the effective date of separation from employment, if any;
    c. The educator's contract; and
    d. Board meeting minutes indicating a finding of "no good cause." If the board does not meet within 30 calendar

days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting.

19 TAC 249.14(j)

Notice to Teacher

If a district submits a complaint regarding a teacher to SBEC, the district shall promptly notify the teacher of the complaint. The notice must include:

1. The basis of the complaint;
2. Information regarding how the teacher may contact SBEC; and
3. A reminder that the teacher should verify that the teacher's mailing address on file with SBEC is current.

SBEC Review

Before imposing sanctions against a teacher for abandonment of contract, SBEC:

1. Must consider any mitigating factors relevant to the teacher's conduct; and
2. May consider alternatives to sanctions, including additional continuing education or training.

If a teacher files a written resignation after the 45th day but not later than the 30th day before the first day of instruction of the following school year, SBEC may not suspend or revoke the teacher's certificate.

Education Code 21.105(d)-(f), .160(d)-(f), .210(d)-(f)

Mitigating Factors

SBEC shall consider the following factors in seeking, proposing, or making a decision regarding an educator who has abandoned a contract in violation of Education Code 21.105(c), 21.160(c), or 21.210(c). A reduction of one month in suspension time will be given for each factor established, except for the factors 7-10 below. The educator:

1. Gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;
2. Assisted the school district in finding a replacement educator to fill the position;
3. Continued to work until the school district hired a replacement educator;
4. Assisted in training the replacement educator;

5. Showed good faith in communications and negotiations with the school district;

6. Provided lesson plans for classes following educator's resignation;

7. Changed careers within the field of education:

   a. To a position that required a different class of educator certification as defined in 19 Administrative Code 230.33(b) (relating to Classes of Certificates);

   b. To a position with a higher level of authority within the principal class of certificate; or

   c. To a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described above;

8. Had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;

9. Resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or

10. Any other relevant circumstances or facts.

19 TAC 249.17(d)(2)

Required Report to SBEC

A superintendent shall report the educator's resignation to SBEC if the conditions set forth at Education Code 22A.051 exist. [See DHB] *Education Code 22A.051*

Investigation

A superintendent of a district, including a district of innovation, shall complete an investigation of an educator that involves evidence that the educator may have abused or otherwise committed an unlawful act, was involved in a romantic relationship with, or solicited or engaged in sexual contact with a student or minor, despite the educator's resignation from employment before completion of the investigation. *Education Code 22A.051(b); 19 TAC 249.14(d)(3)(C)*

Report by Principal

A person who serves as a principal in a district, including a district of innovation, must notify the superintendent, and may be subject to sanctions for failure to do so as described by Education Code 22A.051(c) [see DPA]. *Education Code 22A.051(c)*

Note: For the Educators' Code of Ethics, see DHA(LEGAL).

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 24 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) [See FFG]

Public Servants

All district employees are "public servants" and therefore subject to Title VIII of the Penal Code, regarding offenses against public administration, including restrictions on the acceptance of illegal gifts, honoraria and expenses, and abuse of office. *Penal Code 1.07(a)(41), Title VIII* [See DBD and BBFA]

Electronic Communication Policy

"Electronic communication" means any communication facilitated by the use of any electronic device, including a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. The term includes emails, text messages, instant messages, and any communications made through a website, including a social media website or a social networking website.

A school district shall adopt a written policy concerning electronic communications between a school employee and a student enrolled in the district.

The policy adopted under this section must:

1. Include provisions designed to prevent improper electronic communications between a school employee and a student;

2. Allow a school employee to elect to not disclose to students the employee's personal telephone number or email address; and

3. Include provisions instructing a school employee about the proper method for notifying appropriate local administrators about an incident in which a student engages in improper communications with the school employee.

Education Code 38.027

Retaliation Against Grievant

The district grievance policy prohibits a district employee from retaliating against a student or parent of or person standing in parental relation to a student who files a grievance in accordance with the district grievance policy. If the commissioner determines that an educator has retaliated against a student or parent of or person standing in parental relation to a student who files a grievance under the district's grievance policy, the commissioner may report the educator to SBEC for investigation. *Education Code 26A.001(e)(1), (i)* [See DGBA]

Social Transitioning

The board shall adopt a policy prohibiting an employee of the district from assisting a student enrolled in the district with social transitioning, including by providing any information about social transitioning or providing guidelines intended to assist a person with social transitioning.

"Social transitioning" means a person's transition from the person's biological sex at birth to the opposite biological sex through the adoption of a different name, different pronouns, or other expressions of gender that deny or encourage a denial of the person's biological sex at birth.

A parent of a student enrolled in the district or a district employee may report to the board of trustees of the district a suspected violation of this policy. The board shall investigate any suspected violation and determine whether the violation occurred. If the board determines that a district employee has assisted a student enrolled at the district with social transitioning, the board shall immediately report the violation to the commissioner.

A parent of a student enrolled in a district may seek relief for a violation by filing a grievance through the district's grievance procedure.

Education Code 11.401-.402

Public Information on Private Device

A current or former board member or employee of a district who maintains public information on a privately owned device shall:

1. Forward or transfer the public information to the district or a district server to be preserved as provided by Government Code 552.004(a); or

2. Preserve the public information in its original form in a backup or archive and on the privately owned device for the time described under 552.004(a).

Gov't Code 552.004(b) [See GB]

Loss of Retirement Annuity for Conviction of Certain Felonies

A person is not eligible to receive a service retirement annuity from the Teacher Retirement System (TRS) if the person is convicted of a qualifying felony and the victim is a student.

"Qualifying felony" means an offense that is punishable as a felony under the following sections of the Penal Code:

1. Section 21.02 (continuous sexual abuse of young child or disabled individual);

2. Section 21.12 (improper relationship between educator and student);

3. Section 22.011 (sexual assault) or Section 22.021 (aggravated sexual assault); or

4. Section 43.24 (sale, distribution, or display of harmful material to minor).

The term includes any federal offense that contains elements that are substantially similar to the elements of a felony offense described above.

Not later than the 30th day after the date of a person's conviction for a qualifying felony, the school at which the person was employed shall provide written notice of the conviction to TRS. The notice must comply with rules adopted by TRS.

Gov't Code 824.009

Transportation or Storage of Firearm in School Parking Area

A district may not prohibit a school employee who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law. [See GKA]

Education Code 37.0815

Tobacco and E-Cigarettes

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property.

Enforcement

A board shall ensure that district personnel enforce the policies on school property.

Education Code 38.006(b) [See also FNCD and GKA]

Drug and Alcohol Abuse Program

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)*

Federal Drug-Free Workplace Act

A district that receives a direct federal grant must agree to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the district's workplace and specifying the actions that will be taken against employees for violations of the prohibition;
2. Establishing a drug-free awareness program to inform employees about:
    a. The dangers of drug abuse in the workplace;
    b. The district's policy of maintaining a drug-free workplace;
    c. Available drug counseling, rehabilitation, and employee assistance programs; and
    d. The penalties that may be imposed on employees for drug abuse violations;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the required statement;
4. Notifying the employee in the required statement that as a condition of employment in the grant the employee will:
    a. Abide by the terms of the statement; and
    b. Notify the district of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction;

5. Notifying the granting agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of a conviction;

6. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is convicted, as required by 41 U.S.C. section 8104; and

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of the above requirements.

41 U.S.C. 8103(a)(1)

Dietary Supplements

Except as provided at Education Code 38.011(b), a district employee may not:

1. Knowingly sell, market, or distribute a dietary supplement that contains performance-enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's duties; or

2. Knowingly endorse or suggest the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance-enhancing compounds by a primary or secondary student with whom the employee has contact as part of the employee's duties.

An employee who violates items 1 or 2, above, commits a Class C misdemeanor offense.

Education Code 38.011

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the storage or possession of low-THC cannabis, as authorized by Health and Safety Code Chapter 487. *Health and Safety Code 487.201*

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DHA(LEGAL)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD, DCE, and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. A District employee who holds a handgun license in accordance with state law stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent.

In accordance with ethical standards applicable to all District employees [see DHA(LEGAL)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Prohibited Classroom Instruction or Activities

An employee is prohibited from intentionally or knowingly engaging in or assigning to another individual instruction, guidance, activities, or programming prohibited by law [see EMB].

Prohibited Diversity, Equity, and Inclusion Duties

An employee shall be subject to disciplinary action, including termination of employment, if the employee, intentionally or knowingly:

- Engages in diversity, equity, and inclusion (DEI) duties.
- Assigns to another individual DEI duties.

[See BT(LEGAL)]

Social Transitioning

An employee shall be prohibited from assisting a District student with social transitioning, as the term is defined in law. This prohibition includes providing any information to a District student about social transitioning or guidelines intended to assist a District student with social transitioning.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual.

As required by law, the District shall notify the parent of a student with whom a District employee or person acting as a service provider for the District is alleged to have engaged in certain misconduct.

[See FFF for parent notification requirements and DHB and DHC for reporting requirements.]

Tobacco and Nicotine Products and E-Cigarettes

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also

prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice — Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications — An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Felony driving while intoxicated (DWI); or
    - Acts constituting abuse or neglect under the Texas Family Code.

Recordings — No employee may make an unauthorized audio, visual, or photographic recording of a conversation, meeting, or co-worker on District property or in connection with District business unless the employee making the recording notifies all participants and ensures the recording device is in plain view for the duration of the recording. Secret recordings are prohibited. Employees shall comply with

all restrictions on the use of personal recording devices set forth in CQ(LOCAL).

These provisions are not intended to limit or restrict recordings involving authorized investigations conducted by District personnel or any meeting recorded in accordance with Board policy, including Board meetings, grievance hearings, and audio recordings of meetings or proceedings at which the substance of an employee grievance is discussed. [See DGBA; see also CQ]

For audio or video recording of a student by an employee, see FL(LEGAL).

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Code of Ethics

The State Board for Educator Certification (SBEC) shall propose rules that provide for the adoption, amendment, and enforcement of an educator's code of ethics. SBEC is solely responsible for enforcing the ethics code for purposes related to certification disciplinary proceedings.

Education Code 21.041(b)(8); 19 TAC 247.1(c)

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. The Educator's Code of Ethics shall apply to educators and candidates for certification.

19 TAC 247.1(b)

Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or SBEC and its certification process.

Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

19 TAC 247.2(1)

Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

19 TAC 247.2(2)

Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to,

electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

1. The nature, purpose, timing, and amount of the communication;
2. The subject matter of the communication;
3. Whether the communication was made openly or the educator attempted to conceal the communication;
4. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
5. Whether the communication was sexually explicit; and
6. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2(3)

Note: This policy applies to a district of innovation under Education Code, Chapter 12A. [See AF]

Permissive Reports

The superintendent may notify the State Board for Educator Certification (SBEC) of any educator misconduct that he or she believes in good faith may be subject to sanctions under 19 Administrative Code, Chapter 249, Disciplinary Proceedings, Sanctions, and Contested Cases, and/or Chapter 247, Educators' Code of Ethics. *19 TAC 249.14(d)*

Required Reports

A superintendent shall notify SBEC if:

1. An educator employed by or seeking employment with the district, or an applicant or holder of an SBEC certificate, has a criminal record and the district obtained information about the educator's criminal record by a means other than the criminal history clearinghouse established by the Texas Department of Public Safety under Government Code 411.0845;
2. An educator's employment at the district was terminated and there is evidence that the educator engaged in misconduct listed below [see Reportable Misconduct After Termination or Resignation, below];
3. The educator resigned and there is evidence that the educator engaged in misconduct listed below [see Reportable Misconduct After Termination or Resignation, below]; or
4. The superintendent becomes aware of evidence than an educator employed by the district engaged in the misconduct listed below [see Reportable Misconduct Regardless of Termination or Resignation, below].
5. The educator engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

Education Code 22A.051, 22.087; 19 TAC 249.14(d)

Reportable Misconduct Regardless of Termination or Resignation

The superintendent shall make a report to SBEC under item 4 [Required Reports], above, if an educator:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;

2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

3. Engaged in inappropriate communications with a student or minor; or

4. Failed to maintain appropriate boundaries with a student or minor.

Education Code 22A.051(2)(A)-(D), (4)

Deadline to Report

The superintendent must notify SBEC by filing a report not later than 48 hours after the superintendent receives notice from a principal [see DPA(LEGAL)] or becomes aware of evidence of misconduct described above [Reportable Misconduct Regardless of Termination or Resignation]. *Education Code 22A.051(d)(2)*

Reportable Misconduct After Termination or Resignation

A superintendent shall make a report to SBEC under items 2 and 3 at Required Reports, above, if an educator was terminated or resigned and there is evidence that the educator:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;

2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

3. Engaged in inappropriate communications with a student or minor;

4. Failed to maintain appropriate boundaries with a student or minor;

5. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481, or by 21 U.S.C. 801 et seq.;

6. Illegally transferred, appropriated, or expended school property or funds;

7. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

8. Committed a criminal offense, or any part of a criminal offense, on school property or at a school-sponsored event.

Education Code 22A.051(a); 19 TAC 249.14(d)

Deadline to Report After Termination or Resignation

The superintendent shall notify SBEC in writing by filing a report within seven business days after the date the superintendent receives notice from a principal [see DPA]or knew about an educator's termination or resignation following an alleged incident of misconduct described above at Reportable Misconduct After Resignation or Termination or about an educator's criminal record described under Education Code 22A.051(d). *Education Code 22A.051(d)(1)* [See Required Reports, above]

Investigation After Termination or Resignation

A superintendent shall complete an investigation of an educator that involves evidence that the educator may have engaged in misconduct described above at Reportable Misconduct After Termination or Resignation, items 1, 2, 3, or 4, despite the educator's resignation from employment before completion of the investigation. *Education Code 22A.051(b); 19 TAC 249.14(d)(3)(C)*

Contents of Report

The report must be in writing and in a form prescribed by SBEC and filed through a confidential and secure internet portal developed and maintained by TEA under Education Code 22A.155. The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator and the factual circumstances requiring the report and the subject of the report by providing the following available information:

1. Name and any aliases;
2. Certificate number, if any, or social security number;
3. Last known mailing address and home and daytime phone numbers;
4. All available contact information for any alleged victim or victims;
5. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
6. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
7. Involvement by a law enforcement or other agency, including the name of the agency.

Education Code 22A.051(e); 19 TAC 249.14(f)

The name of the student or minor is not public information under the Public Information Act. [See GBAA] *Education Code 22(A).051(j)*

Notice

To the Board and Educator

A superintendent shall notify the board and the educator of the filing of a written report with SBEC. *Education Code 22A.051(f)*

Before Accepting Resignation

Before accepting an employee's resignation that requires filing a report, the superintendent shall inform the educator in writing that a report will be filed and that sanctions against his or her certificate may result as a consequence. *19 TAC 249.14(d)(3)(A)*

Policy to Notify Parents

The board shall adopt a policy under which notice is provided to the parent or guardian of a student with whom an educator is alleged to have engaged in misconduct described Reportable Conduct Regardless of Termination or Resignation. [See FFF] *Education Code 22A.053.*

Sanctions for Failure to Report

SBEC shall determine whether to impose sanctions, including an administrative penalty against a superintendent who fails to file a report. *Education Code 22A.051(h); 19 TAC 249.14(d), (h), .15(b)(4)*

Administrative Penalty

If a superintendent is required to file a report and fails to file the report by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 22A.051(k)*

Criminal Offense

A superintendent required to file a report commits a state jail felony if the superintendent fails to file the report by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 22A.051(l)*

Immunity

A superintendent or principal who, in good faith and while acting in an official capacity, files a report with SBEC or communicates with another superintendent or principal concerning an educator's criminal record or alleged incident of misconduct is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 22A.051(g)*

Definitions

Abuse

“Abuse” has the meaning assigned by Family Code 261.001(1) and includes any sexual conduct involving a student or minor. *Education Code 22A.001(1)*

“Abuse” includes the following acts or omissions:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child’s growth, development, or psychological functioning;
2. Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an

observable and material impairment in the child's growth, development, or psychological functioning;

3. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm; or

4. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

5. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuing sexual abuse of a young child or disabled individual under Penal Code 21.02, indecency with a child under Penal Code 21.11, improper relationship between educator and student under Penal Code 21.12, sexual assault under Penal Code 22.011, or aggravated sexual assault under Penal Code 22.021;

6. Failure to make a reasonable effort to prevent sexual conduct as defined by Penal Code 43.01, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Penal Code 20A.02(a)(7) or (8), solicitation of prostitution under Penal Code 43.05(a)(2);

7. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Penal Code 43.21, or pornographic;

8. The current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

9. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Penal Code 43.25;

10. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Penal Code 20A.02(a)(5), (6), (7), or (8), or the failure to make a reasonable effort to prevent a child from be-

ing trafficked in a manner punishable as an offense under any of those sections; or

11. Forcing or coercing a child to enter into a marriage.

19 TAC 249.3(1); Family Code 261.001(1)

Reported Criminal History

"Reported criminal history" means information concerning any formal criminal justice system charges and dispositions. The term includes arrests, detentions, indictments, criminal information, convictions, deferred adjudications, and probations in any state or federal jurisdiction. *19 TAC 249.3(44)*

Solicitation of a Romantic Relationship

"Solicitation of a romantic relationship" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an educator of a relationship with a student that is romantic in nature. A romantic relationship is often characterized by a strong emotional or sexual attachment and/or patterns of exclusivity, but does not include appropriate educator-student relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an educator of a romantic relationship with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the educator's job duties and evidence a romantic intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the romantic intent of such communications or behavior include:

    a. The nature of the communications;

    b. The timing of the communications;

    c. The extent of the communications;

    d. Whether the communications were made openly or secretly;

    e. The extent that the educator attempts to conceal the communications;

    f. If the educator claims to be counseling a student, SBEC may consider whether the educator's job duties included counseling, whether the educator reported the subject of the counseling to the student's guardians or to the appropriate school personnel, or, in the case of alleged abuse or neglect, whether the educator reported the abuse or neglect to the appropriate authorities; and

g. Any other evidence tending to show the context of the communications between educator and student.

2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images.

3. Making sexually demeaning comments to a student.

4. Making comments about a student's potential sexual performance.

5. Requesting details of a student's sexual history.

6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the educator.

7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party.

8. Inappropriate hugging, kissing, or excessive touching.

9. Providing the student with drugs or alcohol.

10. Violating written directives from school administrators regarding the educator's behavior toward a student.

11. Grooming behaviors, considered in context and on the totality of circumstances, including, but not limited to:

    a. Showing the student special attention;

    b. Giving the student individual gifts, money, or privileges;

    c. Isolating the student;

    d. Exposing the student to adult topics or conversations and/or media that is not age appropriate; or

    e. Meeting behind closed doors with the student without another adult present.

12. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage.

13. Any other acts tending to show that the educator solicited a romantic relationship with the student.

19 TAC 249.3(51)

[See DHC for provisions regarding solicitation of sexual contact.]

Note: The provisions of this policy apply to a district of innovation under Education Code, Chapter 12A. [See AF]

Definitions

"Abuse" has the meaning assigned by Family Code 261.001(1) and includes any sexual conduct involving a student or minor. [See DHB] *Education Code 22A.001(1)*

"Employee" means a person who is employed by a school district, district of innovation, charter school, service center, or shared services arrangement and does not hold a certification issued by the State Board for Educator Certification (SBEC) under Education Code, Chapter 21, Subchapter B.

19 TAC 153.1201(b), (d)

Misconduct of Noncertified Employees

Education Code 22A.052 applies to a district employee who does not hold certification issued by SBEC or a school district teaching permit.

Reportable Misconduct

A person who serves as the superintendent shall notify the commissioner if the superintendent obtains criminal history record information relating to or becomes aware of evidence that an employee:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;
2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact, defined below, with a student or minor;
3. Engaged in inappropriate communications with a student or minor; or
4. Failed to maintain appropriate boundaries with a student or minor.

Education Code 22A.052(b)

Deadline to Report

The superintendent must notify the commissioner by filing a report with the commissioner not later than 48 hours after the superintendent receives notice from a principal [see DPA(LEGAL)], knew about the termination or resignation following an allegation of misconduct, or becomes aware of evidence of misconduct described above. *Education Code 22A.052(e)*

Investigation After Termination or Resignation

A superintendent shall complete an investigation of an employee that involves evidence that the employee may have engaged in misconduct described above [Reportable Misconduct], despite the employee's resignation from district employment before completion of the investigation. *Education Code 22A.052(c)*

Contents of Report

The report must be in writing and in a form prescribed by the commissioner and filed through an internet portal developed and maintained by the Texas Education Agency (TEA). The report shall include the name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee and the factual circumstances requiring the report and the subject of the report by providing the following available information:

1. The name or names of any student or minor who is the victim of abuse or unlawful conduct by an employee;
2. The factual circumstances requiring the report and the subject of the report by providing the following available information:
    a. Name and any aliases and certificate number, if any, or social security number;
    b. Last known mailing address and home and daytime phone numbers;
    c. All available contact information for any alleged victim or victims;
    d. Name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;
    e. Current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and
    f. Involvement by a law enforcement or other agency, including the name of the agency.

Education Code 22A.052(f); 19 TAC 153.1203(d)

The name of the student or minor is not public information under Government Code Chapter 552 (Public Information Act) [see GBAA]. *Education Code 22A.052(j)*

Notice to the Board and Employee

A superintendent shall notify the board and the employee of the filing of the report. *Education Code 22A.052(g)*

Immunity

A superintendent who in good faith and while acting in an official capacity files a report or makes a notification is immune from civil

or criminal liability that might otherwise be incurred or imposed. *Education Code 22A.052(h)*

Sanctions for Failure to Report

The commissioner shall refer an educator who fails to file a report to SBEC, which will determine whether to impose sanctions against the educator. *Education Code 22A.052(i)*

Criminal Offense

A superintendent required to file a report commits a state jail felony if the superintendent fails to timely file the report with intent to conceal an employee's criminal record or alleged incident of misconduct. *Education Code 22A.052(k)*

Review of District Records

The commissioner may review district records to ensure compliance with the requirement to report misconduct. *Education Code22A.052(l)*

Solicitation of Sexual Contact

"Solicitation of sexual contact" means deliberate or repeated acts that can be reasonably interpreted as the solicitation by an employee of a relationship with a student that is sexual in nature. Solicitation of sexual contact is often characterized by a strong emotional or sexual attachment and/or by patterns of exclusivity but does not include appropriate relationships that arise out of legitimate contexts such as familial connections or longtime acquaintance. The following acts, considered in context, may constitute prima facie evidence of the solicitation by an employee of sexual contact with a student:

1. Behavior, gestures, expressions, or communications with a student that are unrelated to the employee's job duties and evidence a sexual intent or interest in the student, including statements of love, affection, or attraction. Factors that may be considered in determining the intent of such communications or behavior, include, without limitation:
    a. The nature of the communications;
    b. The timing of the communications;
    c. The extent of the communications;
    d. Whether the communications were made openly or secretly;
    e. The extent that the employee attempts to conceal the communications;
    f. If the employee claims to be counseling a student, the commissioner of education may consider whether the employee's job duties included counseling, whether the employee reported the subject of the counseling to the student's guardians or to the appropriate school person-

nel, or, in the case of alleged abuse or neglect, whether the employee reported the abuse or neglect to the appropriate authorities; and

g. Any other evidence tending to show the context of the communications between employee and student;

2. Making inappropriate comments about a student's body, creating or transmitting sexually suggestive photographs or images, or encouraging the student to transmit sexually suggestive photographs or images;

3. Making sexually demeaning comments to a student;

4. Making comments about a student's potential sexual performance;

5. Requesting details of a student's sexual history;

6. Requesting a date, sexual contact, or any activity intended for the sexual gratification of the employee;

7. Engaging in conversations regarding the sexual problems, preferences, or fantasies of either party;

8. Inappropriate hugging, kissing, or excessive touching;

9. Providing the student with drugs or alcohol;

10. Violating written directives from school administrators regarding the employee's behavior toward a student;

11. Suggestions that a romantic relationship is desired after the student graduates, including post-graduation plans for dating or marriage; and

12. Any other acts tending to show that the employee solicited sexual contact with a student.

19 TAC 153.1201(a)

[See DHB for provisions regarding solicitation of a romantic relationship.]

Qualifications

A board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

Certification

State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. *19 TAC Ch. 241*

Duties

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the superintendent pursuant to board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. *Election Code 13.046; 1 TAC 81.7*

Education Code 11.202(b), .253(c), (h) [See also DMA]

Note: 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 24 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. *Family Code 261.101(b)* [See FFG]

Principal's Report to Superintendent

The principal must notify the superintendent not later than 48 hours after the principal becomes aware of evidence that an educator or other employee:

Report of Misconduct by Educator or Other Employee

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;
2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;
3. Engaged in inappropriate communications with a student or minor; or
4. Failed to maintain appropriate boundaries with a student or minor.

Education Code 22A.051(c)(2); .052(e) [See DHB, DHC]

Report of Educator Misconduct After Termination or Resignation

A principal must notify the superintendent not later than the seventh business day after the date the principal obtains criminal history record information relating to or becomes aware of evidence that an employee engaged in the following misconduct or of an educator's termination of employment or resignation following an alleged incident of the following misconduct:

1. Abused or otherwise committed an unlawful act with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Chapter 9 of the Penal Code, Justification Excluding Criminal Responsibility, regardless of whether the conduct resulted in bodily injury;
2. Was involved in or solicited a romantic relationship with or solicited or engaged in sexual contact with a student or minor;

3. Engaged in inappropriate communications with a student or minor;

4. Failed to maintain appropriate boundaries with a student or minor;

5. Possessed, transferred, sold, or distributed a controlled substance, as defined by Health and Safety Code Chapter 481, or by 21 U.S.C. 801 et seq.;

6. Illegally transferred, appropriated, or expended school property or funds;

7. Attempted by fraudulent or unauthorized means to obtain or alter a professional certificate or license for the purpose of promotion or additional compensation; or

8. Committed a crime, or any part of a criminal offense, on school property or at a school-sponsored event.

9. Engaged in conduct that violated the assessment instrument security procedures established under Education Code 39.0301.

Education Code 22A.051(a), (c)(1); 19 TAC 249.14(e) [See DHB(LEGAL)]

Immunity

A principal who in good faith and while acting in an official capacity notifies a superintendent is immune from civil or criminal liability that might otherwise be incurred or imposed. *Education Code 22A.051(g), .052(h)*

Sanctions and Administrative Penalty

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 22A.051(h), 22A.052(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 22A.051(h); 22A.051(k)*

Criminal Offense

A principal required to notify a superintendent about an employee’s criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an person’s criminal record or alleged incident of misconduct. *Education Code 22A.051(l); 22A.052(k)*

Qualifications

In addition to the minimal education and certification requirements established in the job description, a principal shall have at least:

1. Working knowledge of curriculum and instruction;
2. The ability to evaluate instructional program and teaching effectiveness;
3. The ability to manage budgets and personnel and to coordinate campus functions;
4. The ability to implement policy and procedures;
5. The ability to interpret data;
6. Strong communications, public relations, and interpersonal skills;
7. Prior experience in instructional leadership roles; and
8. Other qualifications deemed necessary by the Board and included in the job description.

School Nurse

Minimum Salary Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. *22 TAC 217.11(2)*

Nursing Peer Review Committee

"Nursing peer review committee" includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

Occupations Code 303.001(4), .0015

Certified School Counselor

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: Education Code 33.006 applies to all districts that employ school counselors.

School Counselor Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
   a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
   b. In need of modified instructional strategies; or
   c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, in-

cluding accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

School Counselor Policy

A board shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program under Education Code 33.005. [See FFEA] Time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.

Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

Exception

If a board determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program, the policy shall:

1. Include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program;
2. List the duties the counselor is expected to perform that are not components of the counseling program; and
3. Set the percentage of work time that the counselor is required to spend on components of the counseling program.

School Counselor Contracts

A district may not include a provision in an employment contract with a school counselor under Education Code Chapter 21 that conflicts with the policy or, except as provided below, has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

A district that complies with the exception above may not include a provision in an employment contract under Education Code Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primar-

ily related to a counseling function unless the duty is specified in the district's policy as required above.

Education Code 33.006(a)-(g)

Tracking and Documentation

A district shall require each district school counselor to track and document, using a standardized tracking tool, as established by the district, the time spent on work duties performed by the school counselor throughout a school year. This tracking tool shall:

1. Include the following components:
    a. The total work time worked by the school counselor for the year;
    b. The total time spent on the following duties that are components of a counseling program developed under Education Code 33.005:
        (1) Provision of a guidance curriculum;
        (2) Responsive services for students;
        (3) Individual planning for students; and
        (4) System support; and
    c. The total time spent on duties that are not components of a counseling program developed under Education Code 33.005, including time spent in administering assessment instruments or providing other assistance in connection with assessment instruments (except time spent in interpreting data from assessment instruments); and
2. Be maintained by the district in a format that can be made available to the Texas Education Agency (TEA) upon request.

19 TAC 78.1003(b)

Annual Assessment

A district shall annually assess its compliance with its school counselor policy and, on request by the commissioner, provide a written copy of the assessment to TEA on or before the date specified by the commissioner.

The assessment shall include:

1. Work time tracking documentation as described above for each school counselor in the district;
2. The number of school counselors whose work was in compliance with the district's school counselor policy; and

3. The number of school counselors in the district whose work was not in compliance with the district's school counselor policy.

The assessment shall be maintained by the district in a format that can be made available to TEA upon request.

Education Code 33.006(h); 19 TAC 78.1003(c), (d)

Nonphysician Mental Health Professional

A district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

School Psychological Services

The rules of the Texas Behavioral Health Executive Council (TBHEC) acknowledge the unique difference in the delivery of school psychological services in schools from psychological services in the private sector. The TBHEC recognizes the purview of the State Board of Education (SBOE) and TEA in safeguarding the rights of school children in Texas. Mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in schools which reflect the occupational distinctions from the private practice of psychology. *22 TAC 465.38(a)*

School Psychologist

"School psychologist" means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(2); 0203(a)*

A person may not be employed by a school district as a school psychologist or associate school psychologist unless the person

holds a specialist in school psychology license under Occupations Code 501.260. A specialist in school psychology license is the appropriate credential for a person who provides psychological services for a school district. *Education Code 21.003(b); Occupations Code 501.002(2), .260(a)*

School psychological services may be provided in Texas public schools only by school psychologists and interns and post-doctoral fellows working towards licensure as a psychologist. *22 TAC 465.38(e)*

Scope of Practice

School psychological services include the delivery of a comprehensive range of services to support the academic, emotional, social, behavioral, and mental health development and needs of students, which includes the promotion of students' strengths, as well as the identification and treatment of mental health disorders and disabilities impacting student educational performances.

School psychological services include, but are not limited to:

1. Assessment, which includes psychoeducational, cognitive, psychological, emotional, behavioral, and other assessments; universal screenings; and various data collection methods to:
    a. Identify and address student academic, social, emotional, developmental, and mental and behavioral health needs;
    b. Make eligibility recommendations for special education services;
    c. Assess risk of harm to self or others; and
    d. Evaluate effectiveness of services and practices.
2. Prevention and intervention services to support student learning, which include facilitating delivery of curricula and instructional strategies, school-wide, group, and individual interventions to support student achievement, student wellness, mental and behavioral health, promoting safe learning environment and addressing other barriers to learning.
3. Mental and behavioral health services, which includes group and/or school-wide services to promote social, emotional, mental and behavioral health, and prosocial and positive behaviors. Such services also include individual or group counseling, behavioral health, promoting safe learning environments and addressing other barriers to learning.
4. Consultation and collaboration, which includes engagement in collaborative problem-solving as a vehicle to plan, implement,

and evaluate academic and mental and behavioral health services, which may include psychoeducation for students, families, school personnel, and other relevant parties.

5. Development of programs, which includes designing, implementing, or evaluating safe, supportive, and educationally and psychologically sound learning environments; engaging in crisis prevention, response, and interventions; acting as a catalyst for educator and family engagement in adaptations and innovations; and facilitating the psychoeducational development of individual families or groups.

22 TAC 465.38(b)(1)-(2)

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology. *Occupations Code 501.260(c); 22 TAC 465.38(b)(3)*

Notice of Assignment or Subcontract

A school psychologist who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. A school psychologist shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38(e)(3)*

Compliance with Applicable Education Laws

School psychologists shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101.

22 TAC 465.38(f)

School Chaplains

A district may employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board. A chaplain employed or volunteering is not required to be certified by SBEC.

A district that employs or accepts as a volunteer a chaplain shall ensure that the chaplain complies with the applicable requirements under Education Code Chapter 22, Subchapter C, before the chaplain begins employment or volunteering at the district.

A district may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Code of Criminal Procedure Chapter 62.

Education Code 23.001

School Counselors

In accordance with law, a school counselor shall spend 80 percent of the counselor's work time on duties that are components of a comprehensive school counseling program (CSCP). [See FFEA]

If the Board approves a determination by the administration that due to District or campus staffing needs or other reasons a school counselor is prevented from spending 80 percent of the counselor's work time on duties that are components of a CSCP, the Board shall direct the Superintendent to develop a revised job description for the school counselor that addresses the percentage of the school counselor's time that shall be spent on duties related to the components of a CSCP and the duties the school counselor is expected to perform in the remaining work time. The Superintendent shall report to the Board regarding adjustments to a school counselor's duties under this provision.

Uncertified Substitutes

State Board for Educator Certification requirements regarding assignment of certified employees apply to substitute teachers. If a district must employ a substitute teacher who is not certified, a list of the substitute teachers shall be retained in the district files. *19 TAC 231.1(e)*

Parent Notification

If a district assigns an inappropriately certified or uncertified teacher [as defined in DBA(LEGAL)] to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of students in that classroom.

A superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. A district shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. A district shall retain a copy of the notice and make information relating to teacher certification available to the public on request. [See also DBA(LEGAL)]

Education Code 21.057

Criminal History Review

A district shall obtain all criminal history record information that relates to a substitute teacher for a district or shared services arrangement through the Department of Public Safety's criminal history clearinghouse. [See DBAA] *Education Code 22.0836*

Note: For provisions regarding inventory and requisition of instructional materials, including the annual certification, see CMD.

Definitions

"Instructional material" is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student.

The term includes:

1. Material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan;
2. Material used by a principal or campus instructional leader to support instruction; and
3. Material used by a student, including a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.

Education Code 31.002(1-a)

"Open education resource (OER) instructional material" is teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. *Education Code 31.002(1-b)*

"Technological equipment" is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*

Duty to Provide Instructional Materials

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

State Materials Selection and Assistance

The State Board of Education (SBOE) shall review instructional materials provided to the board by the Texas Education Agency (TEA) under Education Code 31.023. Before approving instructional material, the SBOE may review the material and must determine that the material is free from factual error and suitable for the subject and grade level for which the material is designed, and, if the material is intended to cover the foundational skills reading curriculum in kindergarten through third grade, does not include three-cueing, as defined by Education Code 28.0062(a-1). The SBOE shall add each approved material to a list of approved instructional materials and may add a material not approved to a list of rejected instructional materials. *Education Code 31.022(a)*

TEA Website

TEA shall develop and maintain an instructional material website to assist districts in locating and selecting instructional material. *Education Code 31.025(a)*

TEA Support

On request of a district, TEA shall provide the district assistance in evaluating, adopting, or using instructional materials.

Except as otherwise provided, TEA may not require a district to adopt or otherwise use instructional material reviewed by TEA or included on the list of approved instructional materials maintained by the SBOE.

Education Code 31.0251

OER Instructional Material

Except as provided by Education Code 31.0721(b), OER instructional material may not be made available to students, teachers, educators, or other education professionals before being reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.0721(a)*

Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may adopt OER material at any time. A district may not be charged for a cost associated with the selection of an OER, except for the cost of printing copies of the material. *Education Code 31.073*

Local Instructional Materials Selection

A board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. *19 TAC 66.104(a)*

No Commission or Rebate

A board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

Human Sexuality Materials

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by a board with the advice of the local school health advisory council (SHAC). *Education Code 28.004(e)*

[For more information on the requirements for adopting human sexuality instructional materials, see EHAA.]

Special Education Materials

Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(c)*

Instructional Material Review

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make tests readily available for review by parents in person and teaching materials readily available for review by parents both in person and, if applicable, through an instructional materials portal established under Education Code 31.154 [see CMD].

The district may specify reasonable hours for in-person review. A district may not deny a parent access to an instructional materials parent portal.

Notice of Entitlement to Review Materials

The district shall post on the home page of the district's or school's internet website a notice stating that a parent of a student enrolled in the district or school is entitled to review these materials and may request that the district or school make the materials available for review as provided below. [See CQA(LEGAL)]

Review Period

In providing access to instructional materials to a student's parent under this provision, the district shall allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends.

For the entire period, the district shall include access to all instructional materials that pertain to each subject area in the grade level in which the student is enrolled, except for tests or exams that have not yet been administered to the student and the student's graded assignments.

Taking Home Materials

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

Students Without Reliable Access to Technology

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

Learning Management System or Online Portal

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

Education Code 26.006

Parent Request for Instructional Material Review

The board shall establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, may request an instructional material review under Education Code 31.0252 [see below] for a subject area in the grade level in which the student is enrolled.

Process

The process:

1. May not require more than one parent of a student to make the request;
2. Must provide for the board to determine if the request will be granted, either originally or through an appeal process;
3. May permit the requesting parent to review the instructional material directly before the district conducts an instructional material review;
4. Must establish minimum requirements for a parent's petition to the board for a local review of classroom instructional materials, including submission guidelines and timelines for the petition. The process must align to the statewide submission window of September 1 through the last instructional day for students. The process must require that the board consider such petitions at the regular board meeting that allows proper posting immediately following submission of the petition provided that it is submitted by the prescribed submission deadline;
5. Require parent petitions to include the student assignment, grade level, content area, campus name, and teacher name to complete the local review process; and
6. Establish an appeal process for parents if a petition for a local review is denied by the board, detailing steps for submitting an appeal, the criteria for reviewing the appeal, and the timelines for a final decision.

Education Code 26.0061

TEA Standards for Instructional Material Review

TEA shall develop standards that a district may use to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree in which the material corresponds with the instructional materials adopted by the district and meets the level of rigor of the essential knowledge and skills for the grade level in which it is being used. *Education Code 31.0252*

Request for TEA Review	A school district may request a review by TEA of local classroom instructional materials. A request for review of local classroom instructional materials must be submitted between September 1 and the last instructional day for students. If a review of local classroom instructional materials is granted, the school district must submit blank student assignments and other required instructional materials. TEA will provide the results from a review of local classroom instructional materials in a local classroom review report to the school district.
TEA Report Published on Website	School districts must publish local classroom instructional materials review reports from TEA on the district website within 10 school days following the receipt of the results. These reports must be accessible to the public without requiring a login or password. Prior to publication on the district website, the district must redact any student or teacher information from the report and must not make any other modifications to the report.
Local Review and Rubric	Local classroom instructional materials reviews and rubric development for foundations curriculum courses shall be aligned with the instructional materials review and approval (IMRA) rubric development schedule and review cycles.
Data Management Process	School districts must establish data management processes to ensure reviews of local classroom instructional materials are authorized no more than once per year for any classroom teacher in a specific subject or grade level at a specific campus. The process must track, at a minimum, the teacher of record, date of the review request, grade level, content area, campus, and amount of time the teacher reports to complete the request. *19 TAC 67.1501*
Local Reviewer Eligibility	Local classroom reviews shall be conducted by education service centers or a curriculum review service provider approved by TEA. All reviewers must meet eligibility criteria approved by TEA. *19 TAC 67.1502*
SBOE Notification	A district is requested to notify the SBOE member(s) representing the district, at the member's state email address as listed on the SBOE.Texas.gov website within one week of a decision to approve a parent request for local classroom review and one week after receiving the final report.
Limit on Reviews	The board is not required to conduct a review for a specific subject area or grade level at a specific district campus more than once per school year.

Parental Access During Review

Parental access to instructional material provided by an instructional material review conducted under this provision is in addition to any other right to access instructional material granted by the Education Code or school district policy.

Mandatory Review on Petition by Group of Parents

If the parents of at least 25 percent of the students enrolled at a campus present to the board in which the campus is located a petition for the board to conduct an instructional material review under Education Code 31.0252, the board shall conduct the review, unless the petition is presented by the parents of less than 50 percent of the students enrolled at the campus and, by a majority vote, the board denies the request. A review shall include a review of instructional materials for each subject area or grade level specified in the petition.

Education Code 26.0061; 19 TAC 67.69

Federally Required Parental Inspection

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the United States Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)* [For more information about the Protection of Pupil Rights Amendment (PPRA), see FA.]

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

Middle School Advanced Math Program

A district shall develop a middle school advanced mathematics program for students in grades 6-8 to enable students to enroll in Algebra I in grade 8.

Required Local Measure

A district shall identify a local measure for use in determining student eligibility for automatic enrollment in a middle school advanced mathematics program.

Automatic Enrollment

A district shall automatically enroll in a middle school advanced mathematics program each grade 6 student whose performance was either:

1. In the 60th percentile or higher on statewide scores for the grade 5 mathematics state assessment instrument; or
2. In the top 40 percent on a local measure that includes the student's grade 5 class ranking or a demonstrated proficiency in the student's grade 5 mathematics coursework.

No Results

A local measure shall be used to determine enrollment of grade 6 students for whom there are no results on the state grade 5 mathematics assessment.

Public Notice

A district shall make public the criteria for automatic enrollment in a middle school advanced mathematics program, including any criteria for a local measure, before the start of each school year.

Parent Notice

A district shall provide a written notice to the parent or guardian of each student entering grade 6 who will be automatically enrolled in a middle school advanced mathematics program. The written notification shall be provided no later than 14 days before the first day of instruction for the school year. The required notice shall include a description of:

1. The purpose of the program;
2. The middle school advanced mathematics program offered by the district, including an overview of the content addressed at each grade level;
3. Resources offered to support student success;
4. The right of the parent or guardian to opt their child out of the middle school advanced mathematics program; and
5. The process for a parent or guardian to opt their child out of the program and any associated deadlines.

Opt Out

The parent or guardian of a student who will be automatically enrolled in a middle school advanced mathematics program may opt the student out of automatic enrollment in an advanced mathematics program.

A district shall obtain written approval from the parent or guardian to remove a student from the middle school advanced mathematics program.

Annual Report

A district shall annually report to the Texas Education Agency (TEA) data related to student enrollment and performance in the middle school advanced mathematics program in a manner and time to be determined by TEA.

Other Process

These provisions do not prohibit a district from establishing a process to initially enroll grade 7 or 8 students in a middle school advanced mathematics program.

19 TAC 74.2101; Education Code 28.029

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 Systems Science, Environmental Systems, Advanced Animal Science, Advanced Plant and Soil Science, Anatomy and Physiology, Physics for Engineering, Biotechnology I, Biotechnology II, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, Engineering Science, Fluid Mechanics, Mechanics of Materials, and advanced level biology, chemistry, physics, and environmental science courses

offered as dual credit as referenced in 19 Administrative Code 74.11(i) or a course selected from 19 Administrative Code 74.12(b)(3)(A) or (B). 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.

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 Enterprise 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 another advanced computer science course.

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)(5)

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)(4)*

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)*

The SBOE shall allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content. *Education Code 28.025(b-24)*

Nutrition and Wellness

Each district offering a high school program shall provide an elective course in nutrition and wellness that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The nutrition instruction must include curriculum requirements based on nutritional guidelines recommended by the Texas Nutrition Advisory Committee and may incorporate other relevant material, including culinary skills, horticulture, and consumer economics. *Education Code 28.0115*

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)*

Parenting Awareness Program

High School

A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.

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)

Fentanyl Abuse and Drug Poisoning Instruction

A district shall annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

The instruction must include:

1. Suicide prevention;
2. Prevention of the abuse of and addiction to fentanyl;
3. Awareness of local school and community resources and any processes involved in accessing those resources; and
4. Health education that includes information about substance use and abuse, including youth substance use and abuse.

The required instruction may be provided by an entity or an employee or agent of an entity that is:

1. A public or private institution of higher education;
2. A library;
3. A community service organization;
4. A religious organization;
5. A local public health agency; or
6. An organization employing mental health professionals.

Education Code 38.040

CPR and AED Instruction

A district shall provide instruction to students in grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.

CPR instruction must include training in cardiopulmonary resuscitation techniques and the use of an AED 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 or AED 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. If the instruction is not intended to result in certification, an instructor of this training 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 or AED requirements 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.

Applicability

The requirement to receive instruction in CPR applies to any student who entered grade 7 in the 2010-11 school year and thereafter. The requirement to receive instruction in the use of an AED applies to any student who entered grade 7 in the 2024-25 school year and thereafter.

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 and the use of an AED. A district may accept other donations, including donations of equipment, for use in providing CPR instruction and the use of an AED. *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

Driving With Disability Program

For information regarding the required notice for students who are receiving special education services or who are covered by Section 504, see EHBAD.

Using criteria established by the State Board of Education, a district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. Under this provision, a district may establish a shared services arrangement with other districts.

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

Education Code 29.122

Definition

"Gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121

Identification Policies

A district shall develop written policies on student identification that are approved by the board and disseminated to parents. The policies must include:

1. Provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in Education Code 29.121.
2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.
3. Data and procedures designed to ensure that students from all populations in a district have access to assessment and, if identified, services for the gifted/talented program.
4. Prohibiting a scoring value based on race, ethnicity, sex, socioeconomic status, or disability if the selection process utilizes a matrix or threshold system.
5. Provisions for final selection of students to be made by a committee composed of at least three local district educators who have received training in the nature and needs and identification of gifted students.

6. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

The policy must not limit the number of students the district may identify as gifted/talented or served under the district's program for gifted/talented students.

19 TAC 89.1

Fiscal Policy

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

The policy must:

1. Ensure that 100 percent of state funds allocated for gifted/talented education are spent on providing gifted/talented services or enhancing the district's gifted and talented program; and

2. Establish a method to account for the expenditure of the gifted and talented allotment in alignment with the Texas Education Agency's financial compliance guidance.

19 TAC 89.4

Program Accountability

A district shall ensure that:

1. Student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented (State Plan);

2. It annually certifies to the commissioner of education that the district's program for gifted/talented students is consistent with the State Plan and that the district's use of funds complies with 19 Administrative Code 89.4 [see Fiscal Policy, above]; and

3. The board annually measures the performance of the district in providing gifted/talented services in alignment with the State Plan.

19 TAC 89.5

Learning Opportunities

A district shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently.

2. A continuum of learning experiences that leads to the development of advanced-level products and performances.
3. In-school, and when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year.
4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Note: See DMA(LEGAL) for training requirements for teachers of gifted and talented education.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Selection

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Identification Criteria

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

Matrix or Threshold System

If the selection process relies on a matrix or threshold system, the use of a scoring value based on race, ethnicity, sex, socioeconomic status, or disability shall be prohibited.

Placement Committee

A placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs and identification of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for

gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the placement committee or a parent determines the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the placement committee regarding services in the gifted and talented program. Appeals shall be made first to the placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation

shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members, administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program are spent providing for and enhancing the District's program and that a method accounting for expenditures related to the gifted and talented program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

To ensure that each student achieves at least satisfactory performance on each state assessment instrument, a district shall ensure that the district's curricular and instructional systems provide instruction to all students that is consistently aligned with the essential knowledge and skills for the applicable subject area and grade level; and strategically and timely addresses deficiencies in the prerequisite essential knowledge and skills for the applicable subject area and grade level. *Education Code 28.0211(a)*

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered in grades 3-8 or on an end-of-course assessment instrument, other than an assessment instrument developed or adopted based on alternative academic achievement standards, the district the student attends shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and, subject to the limitations at Exceptions, below, 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 Supplemental Instruction Requirements, below].

The assessments in this provision include a state assessment instrument administered under Education Code 39.023(a) [see EKB] in third through eighth grade or an end-of-course assessment instrument. The assessments also include a Spanish assessment for emergent bilingual students but exclude an assessment instrument developed or adopted based on alternative academic achievement standards.

19 TAC 104.1001; Education Code 28.0211(a-1)

Exceptions

Accelerated instruction requirements do not apply to a student who is retained at a grade level for the school year in which those requirements would otherwise apply.

A district may not be required to provide supplemental instruction to a student in more than two subject areas per school year. If the district would otherwise be required to provide supplemental instruction to a student in more than two subject areas for a school year, the district shall prioritize providing supplemental instruction to the student in mathematics and reading language arts, or Algebra I or English I, as applicable, for that school year.

Education Code 28.0211(a-7)-(a-8)

A district is not required to provide accelerated instruction to a student who, instead of being administered an assessment instrument specified above, was administered a substitute assessment instrument in accordance with other law or Texas Education Agency (TEA) rule authorizing the use of the substitute assessment instrument for purposes of satisfying the requirements concerning the applicable assessment instrument. *Education Code 28.0211(a-10)*

Off-Campus Arrangements

If a student who attends school in a homebound or other off-campus instructional arrangement, including at a residential treatment campus or state hospital, is unable to participate in an accelerated instruction program due to the student's condition, the district may determine that the student be provided the accelerated instruction when the student attends school in an on-campus instructional setting. If the student's condition prevents the student from attending school in an on-campus instructional setting for the school year during which the accelerated instruction is required to be provided to the student, the district is not required to provide the accelerated instruction to the student for that school year. *Education Code 28.0211(i-1)*

Participation Requirements

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 for the grade level in which the student is enrolled [see EHA series]; 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 accelerated instruction.

19 TAC 104.1001(c)(1)

Supplemental Instruction Requirements

If a district receives funding under Education Code 29.0881 or Education Code 48.104 [see EHBC], 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 during the subsequent summer or school year:
    a. To each student for no less than:
        (1) 15 hours; or
        (2) 30 hours for a student whose performance on the applicable assessment instrument was significantly below satisfactory, as below; and
    b. Unless the instruction is provided fully during summer, include instruction no less than once per week during the school year, except as otherwise provided by commissioner rule to account for school holidays or shortened school weeks;
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 four 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); 19 TAC 104.1001

Significantly Below Satisfactory	A district shall provide students who fail to perform satisfactorily on an applicable state assessment instrument no less than 15 hours of supplemental instruction or no less than 30 hours of supplemental instruction for students who scored Low Did Not Meet Grade Level as indicated by state-provided district-level data files or failed to perform satisfactorily on any grade 3 assessment. *19 TAC 104.1001(d)*
Parent Choice	A parent or guardian of a student to whom supplemental instruction will be provided and who either was administered and failed to perform satisfactorily on an assessment instrument specified above or was administered a beginning-of-year assessment instrument aligned with the essential knowledge and skills for the applicable subject area, including a student to whom an accelerated education plan applies, may elect to modify or remove a requirement for that instruction under Education Code 28.0211(a-4) by submitting a written request to an administrator of the campus at which the student is enrolled. A district may not encourage or direct a parent or guardian to make an election under this provision that would allow the district to not provide supplemental instruction to the student or provide supplemental instruction in a group larger than authorized. *Education Code 28.0211(a-9)*
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, unless the district does not operate, or contract or agree with another entity to operate, a transportation system. *Education Code 28.0211(j)*
High-Impact Tutoring Providers	TEA shall approve high-impact tutoring providers for purposes of providing accelerated or supplemental instruction. In contracting with a high-impact tutoring provider approved by TEA, a district may use an outcomes-based contract. *Education Code 28.0211(a-15)-(a-16)*
Unlisted Service Provider	A district may use a service provider that is not on a list of service providers approved by TEA if the district can demonstrate to the commissioner that use of the service provider results in measurable improvement in student outcomes. *Education Code 28.0211(a-12)*
Optional Assessment	A school district that is required to provide to a student accelerated instruction or supplemental instruction is not required to provide additional instruction under either provision to the student based on the student's failure to perform satisfactorily on an assessment instrument administered as an optional assessment in the same sub-

ject area in which the district is required to provide the student the accelerated or supplemental instruction. *Education Code 28.0211(a-13)*

Notice to Parents

A district shall provide to the parent or guardian of a student who fails to perform satisfactorily on a state assessment instrument specified above notice that the student is not performing on grade level in the applicable subject area. The district must provide the notice at a parent-teacher conference or, if the district is unable to provide the notice at a parent-teacher conference, by another means. TEA shall develop and provide to districts a model notice in plain language for use under this provision. *Education Code 28.0211(a-14)*

In each instance in which a district is specifically required to provide notice or a written copy to a parent or guardian of a student, the district shall make a good faith effort to ensure that such notice or copy is provided either in person or by regular mail and that the notice or copy is clear and easy to understand and is written in English or the parent or guardian's native language. *Education Code 28.0211(h)*

Parent Request

A district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily a state assessment instrument under Education Code 28.0211(a-1) [see above] 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)*

Assessments Not Required

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or

2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course (EOC) assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to

perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of 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)

Students At Risk

A district shall provide accelerated instruction to an enrolled student who has taken an EOC assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school [see EHBC].

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)

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. This provision may not be used to excuse a student from appropriate accelerated instruction. *19 TAC 104.1001(b)(4)*

Accelerated Education Plan

For each student who does not perform satisfactorily on a state assessment instrument specified above for two or more consecutive school years in the same subject area, the district the student attends shall develop an accelerated education plan and provide the student at least 30 hours of supplemental instruction. *19 TAC 104.1001; Education Code 28.0211(b)*

Not later than the start of the subsequent school year, a district shall develop an accelerated education plan for the student that

provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level or course by the conclusion of the school year.

The plan must:

1. Identify the reason the student did not perform satisfactorily on the applicable assessment instrument; and
2. Require the student to be provided with no less than 30 hours, or a greater number of hours if appropriate, of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the assessment instrument in the applicable subject area.

The plan may require that, as appropriate to ensure the student performs satisfactorily on the assessment instrument in the applicable subject area at the next administration of the assessment instrument:

1. The district expand the times in which supplemental instruction is available to the student;
2. The student be assigned for the school year to a specific teacher who is better able to provide accelerated instruction; and
3. The district provide any necessary additional resources to the student.

The accelerated education 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 accelerated education plan.

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 accelerated education plan.

Education Code 28.0211(f)-(f-3)

Parent Conference

A district shall make a good faith attempt to provide to the parent or guardian of a student to whom an accelerated education plan applies a parent-teacher conference with the student's primary teacher at the start and end of the subsequent school year.

At the conference, the district shall provide the student's parent or guardian with:

1. The notice required under Education Code 28.0211(a-14); and

2. An explanation of:

   a. The accelerated instruction to which the student is entitled under this provision, and

   b. The accelerated education plan that must be developed for the student and the manner in which the parent or guardian may participate in developing the plan.

Education Code 28.0211(b-1); 19 TAC 104.1001(e)

Classroom Assignment

Except as requested under Education Code 28.0211(a-5), a student for whom an accelerated instructional plan must be developed must be assigned, in each school year and subject covered by the accelerated education plan, 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)

ARD Committee Review

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a state assessment instrument described above shall, at the student's next annual review meeting, review the student's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan.

The student's parent may request, or the district may schedule, an additional committee meeting if a committee member believes that the student's individualized education program needs to be modified based on the accelerated instruction requirements. If the district refuses to convene a committee meeting requested by the student's parent, the district shall provide the parent with written notice explaining the reason the district refuses to convene the meeting.

Education Code 28.0211(i)

Repeating a High School Course

For courses taken for high school credit, a student who is required to repeat any course in which the student was enrolled in during the previous school year and who is eligible for accelerated instruction for the current school year is exempt from accelerated instruction requirements for that specific course if that course is retaken in

its entirety (i.e., to earn a full credit). However, a student who is participating in credit recovery is still required to receive accelerated instruction.

For the purpose of this provision, credit recovery means completing a certain number of assignments to satisfy the course requirements after failure or a certain number of seat hours after excessive absences.

19 TAC 104.1001(i)

Commissioner Waiver

The commissioner may waive the requirements regarding accelerated instruction for a district for each school year in which at least 60 percent of the students who received accelerated instruction during the school year immediately preceding the previous school year, including at least 60 percent of students whose performance on the applicable assessment instrument was significantly below satisfactory, as defined by commissioner rule, performed satisfactorily in the previous school year on the assessment instrument in each subject in which the student previously failed to perform satisfactorily. For purposes of determining whether a school district qualifies for a waiver, the commissioner shall:

1. If a student received accelerated instruction in more than one subject during the applicable school year, consider the student's performance on the assessment instrument in each subject separately from the student's performance on the assessment instrument for each other subject; and
2. By rule provide that a district may not qualify for a waiver if students who are receiving special education services or are educationally disadvantaged are overrepresented among the students in the district who received accelerated instruction during the school year immediately preceding the previous school year and did not perform satisfactorily in the previous school year on the assessment instrument in each applicable subject.

Education Code 28.0211(q); 19 TAC 104.1001(h)

Ratio Waiver

A district may provide accelerated instruction using a product on the Ratio Waiver List on the TEA website with information related to accelerated instruction. The 4:1 student-to-teacher ratio requirement above does not apply to a district using a listed product to provide accelerated instruction to its students.

The Ratio Waiver List consists of products that use an automated, computerized, or other augmented method for providing accelerated instruction under Education Code 28.0211(a-1)(2), that may be used in lieu of some or all of the individual or group supplemen-

tal instruction, as appropriate for the applicable grade level and subject area and a student's academic deficiency.

A district shall:

1. Notify the parent or guardian of the use of a product on the Ratio Waiver List for providing the required accelerated instruction;
2. Ensure that the required hours of supplemental instruction are completed prior to the subsequent State of Texas Assessments of Academic Readiness (STAAR®) administration;
3. Use a product on the Ratio Waiver List remotely, regardless of primary mode of instruction (i.e., in-person, virtual, or hybrid) only if the district ensures that time spent by the student engaged in the product is aligned with approved product usage expectations documented by the district;
4. Adhere to the product usage fidelity requirements by product as approved by TEA to waive ratio requirements. A district not fulfilling usage fidelity with a product will be required to revert to the 4:1 ratio for supplemental instruction; and
5. Be responsible for contracting and funding the selected vendors included on the TEA list of approved vendors.

19 TAC 104.1001(g)

Notice to Parents

Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of:

1. Programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;
2. Career and technology education programs or other work-based education programs in the district, including any internship, externship, or apprenticeship programs or a P-TECH (Pathways in Technology Early College High School) program;
3. Subsidies based on financial need available for fees paid to take college advanced placement tests or international baccalaureate examinations under Education Code 28.054; and
4. Funding for enrollment in dual credit courses under the FAST (Financial Aid for Swift Transfer) program [see below].

Districts must also notify parents of the qualifications for enrolling in programs described by items 1, 2, and 4 above.

The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's internet website.

Education Code 28.010

College Credit Program

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to the Texas Education Agency (TEA):

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and

2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (THECB); and

2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;

2. A career and technical education course; or

3. A foreign language course.

The requirements above do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

A district is not required to pay a student’s tuition or other associated costs for taking a course under this section.

College-Level Courses

A board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;

2. Middle States Association of Colleges and Schools;

3. New England Association of Colleges and Schools;

4. North Central Association of Colleges and Schools;

5. Western Association of Colleges and Schools; or

6. Northwest Association of Colleges and Schools.

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by a district. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

19 TAC 74.25

Dual Credit Programs

Dual credit includes a course for which a high school student may earn credit only at an institution of higher education (previously referred to as a dual enrollment course) if the course meets the requirements of this provision.

Eligible Courses

"Dual credit course" or "dual enrollment course" means a course that meets the following requirements:

1. The course is offered pursuant to an agreement under 19 Administrative Code 4.84, see below.

2. A course for which the student may earn one or more of the following types of credit:

    a. Joint high school and junior college credit under Education Code 130.008, or

    b. Another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:

        (1) A career and technical education course as defined by 19 Administrative Code 4.83(3) that satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;

        (2) A foreign language requirement at an institution of higher education;

        (3) A requirement in the core curriculum, as that term is defined by Education Code 61.821, at an institution of higher education; or

        (4) A requirement in a field of study curriculum developed by the Coordinating Board under Education Code 61.823.

A student may earn a single grade toward both the college course and the high school credit or may earn two separate grades where the high school grade only reflects a student's mastery of secondary content.

Each dual credit course must meet the requirements of Chapter 4, Subchapter D.

19 TAC 4.83(10)

Partnership Agreements with Public Colleges

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

Community College Jurisdiction

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008.

A course offered for joint high school and junior college credit must be:

1. In the core curriculum of the public junior college;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a course offered for joint high school and junior college credit to a student as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 130.008(a-1), (a-2), (d)

Student Eligibility

A high school student is eligible to enroll in dual credit courses if the student:

1. Is not a degree-seeking student as defined in 19 Administrative Code 4.83(10);
2. Demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in 19 Administrative Code 4.54;
3. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative on relevant section(s) of an assessment instrument; or

4. Meets the eligibility requirements for a Texas First Diploma under 19 Administrative Code 21.52 (relating to Eligibility for Texas First Diploma).

An institution may impose additional requirements for enrollment in specific dual credit courses that do not conflict with 19 Administrative Code, Chapter 4, Subchapter D.

An institution is not required under these provisions to offer dual credit courses for high school students.

19 TAC 4.85(b)

Transcript

An institution or high school shall immediately transcript the credit earned by a student upon a student's completion of the performance required in the course. *19 TAC 4.85(h)*

Faculty Selection, Supervision, and Evaluation

An institution shall apply the standards for selection, supervision, and evaluation for instructors of dual credit courses as required by the institution's accreditor. A high school teacher may only teach a high school course offered through a dual credit agreement if the teacher is approved by the institution offering the dual credit course. *19 TAC 4.85(e)*

Qualified Instructor

A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;
2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or
3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:
    a. A degree described above;
    b. A baccalaureate degree in the discipline that is the subject of the course; or
    c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the THECB.

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed

by the district with which the junior college entered into an agreement to offer the course.

Education Code 130.008(g), (h)

Attendance Accounting

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(g)* [See FEB]

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

Dual Credit Agreement

For any dual credit partnership between a district and an institution, an agreement must be approved by the governing boards or designated authorities (e.g., superintendent) of both the public district and the institution prior to the offering of such courses.

Any agreement entered into or renewed between an institution and a district, including a memorandum of understanding or articulation agreement, shall include the following elements.

Any dual credit agreement must also address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcripting of credit;
9. Funding, including the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees, instructional materials, or textbooks for students participating in the program, including for students eligible to take dual credit courses at no cost to the student under the FAST program [see below];
10. All requirements for joint implementation of the FAST program, including ensuring the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course, for eligible public schools and students participating in the FAST program;
11. Defined sequences of courses that apply to academic or career and technical education program requirements at the institution or industry-recognized credentials, where applicable;
12. Specific program goals aligned with the statewide goals developed under Education Code 28.009(b-1), 130A.004, and 130A.101(c)(3);
13. Coordinated advising strategies and terminology related to dual credit and college readiness, including strategies to assist students in selecting courses that will satisfy applicable

high school and college requirements for the student's intended program;

14. Provision for the alignment of endorsements described in EIF, offered by the district and dual credit courses offered under the agreement that apply toward those endorsements with postsecondary pathways and credentials at the institution and industry-recognized credentials;

15. Identification of tools, including online resources developed by TEA, the Coordinating Board, or the Texas Workforce Commission, to assist counselors, students, and families in selecting endorsements offered by the district and college courses offered by the institution under the agreement;

16. A procedure for establishing the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method of identifying the number of high school and college credits that may be earned for each course completed through the program;

17. A description of the academic supports and, if applicable, other support that will be provided to students participating in the program (e.g., transportation to and from a college campus);

18. The respective roles and responsibilities of the institution of higher education and the district in providing the program and ensuring the quality of instruction and instructional rigor of the program;

19. A requirement that the district and the institution consider the use of free or low-cost open educational resources in courses offered under the program; and

20. Designation of at least one employee of the district or private school, or the institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course.

19 TAC 4.84(a)-(b)

Website Posting of Agreement

Each agreement must be posted each year on the institution of higher education's and the district's respective internet websites. *19 TAC 4.84(c)*

FAST Program

Eligibility

A student is eligible to enroll at no cost in a dual credit course under the Financial Aid for Swift Transfer (FAST) program if the student is enrolled in a high school and eligible for Foundation School

Program funding in a Texas school district and in a dual credit course at a participating institution of higher education that has entered into a dual credit agreement with the student's district as set out in 19 Administrative Code 4.84 and is certified to the institution by the student's district or other means authorized by rule as being educationally disadvantaged during the year in which the student is enrolled in a dual credit course or at any time during the four school years preceding the year in which the student is enrolled in a dual credit course.

A district's notice to the institution regarding a student's status as educationally disadvantaged in any of the four years preceding the year in which the student is enrolled in a dual credit course shall occur through the district's notice to TEA, unless otherwise provided by rule. A district shall provide notice directly to the institution regarding a student's educationally disadvantaged status if the student is educationally disadvantaged in the year in which the student is enrolled in a dual credit course but was not educationally disadvantaged in any of the four preceding years.

19 TAC 13.503(a)-(b)

To be considered educationally disadvantaged, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 United States Code 1751, et seq. A district may use the following approved methods for determining student eligibility for the FAST program:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility under this subsection;

2. Direct certification, where 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.

A district with one or more campuses not participating in the NSLP may derive an eligible student count by an alternative method as determined by TEA.

19 TAC 102.1097

A student otherwise described by Education Code 28.0095(c) is eligible to enroll at no cost in a dual credit course under the program if the student has graduated from high school but is enrolled at a

campus designated as a P-TECH school or in a district participating in a R-PEP partnership and the student is completing a course of study offered through an articulation agreement or MOU with an institution of higher education and the district in the P-TECH or R-PEP program. A district may use Foundation School Program funds to educate a student who has graduated from high school but is enrolled in the district in a program through which the student may earn dual credit, including the P-TECH and R-PREP program. *Education Code 28.0095(c-1), 48.0035(2)*

"Dual credit course" is defined by 19 Administrative Code 4.83.

District Determination

A district shall, on the enrollment of a student in grades 9 through 12 in a dual credit course, determine whether the student meets the above criteria for the program and notify the institution of higher education that offers the dual credit course in which the student is enrolled of the district's determination.

A district may make the determination based on the district's records, TEA's records, or any other method authorized by commissioner or THECB rule. If the district bases the determination on a method other than TEA's records, the district shall report the method used and the data on which the method is based to TEA for purposes of verification.

Education Code 28.0095(a)(3), (c), (3)

For more information about the FAST Program, see 19 Administrative Code 102.1097.

Instructional Partnerships with Community College Districts

Public two-year colleges may contract to provide instruction for public secondary schools. An agreement between the public two-year college and the public secondary school must be approved by both governing boards.

High School Credit-Only Courses

Provision of instruction for public secondary schools by public two-year colleges must be in accordance with rules and guidelines established by the State Board of Education. Instruction provided under a contractual agreement may include only coursework necessary for students to complete high school. It does not apply to early admission programs for high school students entering college.

19 TAC 9.125

Remedial Programs

A board may contract with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college. *Education Code 130.090*

The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125*

Certain Academies

A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University — Beaumont), the Texas Academy of Mathematics and Science (at the University of Texas — Brownsville or University of North Texas — Denton), or the Texas Academy of International Studies (at Texas A&M University — Laredo). *Education Code 28.024*

Off-Campus Program Provided by an Institution of Higher Education

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031(a), (b), (e)

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

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State Assessment of Academic Skills

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3-8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Emergent Bilingual Students

In grades 3-12, an emergent bilingual student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)-(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;

2. National norm-referenced achievement tests; or

3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Religious Holy Days

The board may consider the dates of religious holy days or periods of observance likely to be observed by the students enrolled in the district during the assessment administration schedule window under Education Code 39.02301(i) in establishing:

1. The district's calendar for that school year; and

2. The instructional days within that period on which students are administered the required assessment instruments, provided that the board not exclude more than two instructional days from that period based solely on the occurrence of a single religious holy day or period of observance.

"Religious holy day or period of observance" means a holy day or a period of holy days observed by a religion whose places of worship would be exempt from property taxation under Tax Code 11.20.

In establishing a school calendar under this provision, the board shall provide for alternative dates for the administration of state assessment instruments to a student who is absent from school to observe a religious holy day or period of observance on the date an assessment instrument is administered.

Education Code 39.0238

Alternate Test Dates

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or cam-

pus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

Test Administration Training

The commissioner may require training for district employees involved in the administration of the assessment instruments. The commissioner may only require for the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1)-(b-2)*

Paper Administration

A district may administer a state assessment instrument required under Education Code 39.023(a), (c), or (l) in paper format to any student whose parent, guardian, or teacher in the applicable subject area requests the assessment instrument be administered to the student in paper format.

A request for the administration of an assessment instrument in paper format to a student must be submitted to the district:

1. For a fall administration of an assessment instrument, not later than September 15 of the school year in which the assessment instrument will be administered; and

2. For a spring administration of an assessment instrument, not later than December 1 of the school year in which the assessment instrument will be administered.

The number of students enrolled at a district who are administered an assessment instrument in paper format for any single administration under this provision may not exceed three percent of the number of students enrolled in the district. On receipt of more requests for administration of an assessment instrument than the maximum number permitted, the district shall accept the requests in the order received until the maximum number is reached.

This limitation does not apply to a student whose ARD committee determines that the administration of an assessment instrument in paper format is a necessary modification for the student.

Education Code 39.02342

Notice to Parents and Students

A superintendent shall be responsible for the following in order to provide timely and full notification of graduation requirements:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;

2. Notifying each student in grades 7-12 new to the district and his or her parent or guardian in writing of the testing requirements for graduation; and

3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

19 TAC 101.3012

Testing in Grades 3-8

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (emergent bilingual students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3-8;

2. Reading, annually in grades 3-8;

3. Social studies in grade 8;

4. Science in grades 5 and 8; and

5. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or

2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3-8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an 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)-(3)

Kindergarten Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine

whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)-(c), (n); 34 C.F.R. 300.320(a)(6)

End-of-Course Assessments

Beginning with students first enrolled in grade 9 in the 2011-12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must provide a single score. A district shall comply with 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

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 or PreACT test as indicated in the chart in 19 Administrative Code 101.4002(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 or PreACT test is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

Verification of Results

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Individual Graduation Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A district shall determine whether the student took each required EOC assessment or an approved substitute assessment. For purposes of this provision only, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an individual graduation committee.

Notwithstanding any action taken by a student's individual graduation committee, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c) if the student has not previously achieved satisfactory performance on an assessment for that course. A student is not required to retake

a course in order to be administered a retest of an EOC assessment.

19 TAC 101.3022(e)(1), (3)

For provisions related to an IGC and emergent bilingual students, see EKBA.

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate. [See EIF]

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to retake and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any 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)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Note: For information on instructional requirements for students who fail to perform satisfactorily on a state assessment instrument, see EHBC and EHBCA.

Reporting Results

To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents, Students, and Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's 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)

Parent Portal

A district shall provide to a parent of a child enrolled at the district access to the internet website described by Education Code 26.005(b) [website of state assessment instrument results maintained by TEA] through a parent portal maintained by the district and notify the parent regarding that access each time TEA makes available the results of an assessment instrument administered to the parent's child. *Education Code 26.005(c)*

Identification of Students Likely to Succeed in an Advanced Course	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 to State Assessment	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(a), .006(a)(2), 39.023(e)*
Out-of-State Transfers	A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year. Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials. The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets. *19 TAC 101.3014(e)*
Security and Confidentiality	All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential. Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];
3. Report all confirmed testing violations to TEA within 10 working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
    a. Met the requirements to participate in the student assessment program;
    b. Received training in test security and test administration procedures; and
    c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)-(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;

7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;
9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.003(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must

comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a)(3)-(d)

Disciplinary Action and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)-(b), (g)(8)

Minimize Disruptions

In implementing the commissioner's procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

Confidentiality of Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Note: This policy encompasses many, but not all, rights held by parents of Texas public school children. Additional information regarding parent rights exists throughout the policy manual, including:

- District-level and site-based decision making at BQA and BQB
- Access to review instructional and library materials at the EF series
- Requests for educational programs at EHA
- Human sexuality instruction at EHAA
- Special education at the EHBA series
- Student retention at EIE
- Homeschool rights at FD
- Consent to medical treatment, collection and use of certain health and biometric information, and other activities at the FFA series
- Consent to mental health and counseling at FFEA and FFEB
- Access to student records at FL
- Complaints and grievances processes at FNG
- Access to campus and campus visitor policies at GKC

Parental Rights

To enshrine truths that are deeply rooted in this nation's history and traditions, the people of Texas hereby affirm that a parent has the responsibility to nurture and protect the parent's child and the corresponding fundamental right to exercise care, custody, and control of the parent's child, including the right to make decisions concerning the child's upbringing. *Tex. Const. Art. I, Sec. 37*

Infringement Prohibited

The fundamental rights granted to parents by their Creator and upheld by the United States Constitution, the Texas Constitution, and the laws of this state, including the right to direct the moral and religious training of the parent's child, make decisions concerning the child's education, and consent to medical, psychiatric, and psychological treatment of the parent's child under Family Code 151.001, may not be infringed on by any public elementary or secondary school or state governmental entity, including the state or a political subdivision of the state, unless the infringement is necessary to further a compelling state interest, such as providing life-saving

care to a child, and narrowly tailored using the least restrictive means to achieve that compelling state interest. *Education Code 1.009*

Education Code Chapter 26

As provided under Family Code 151.001, a parent has the right to direct the moral and religious training of the parent's child, make decisions concerning the child's education, and consent to medical, psychiatric, and psychological treatment of the child without obstruction or interference from this state, including from a school district or any other governmental entity. *Education Code 26.001(a)*

Parents are partners with educators, administrators, and the board in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children. *Education Code 26.001(a-1)*

Unless otherwise provided by law, a board, an administrator, an educator, or other person shall comply with Education Code 1.009 [see Infringement of Parental Rights Prohibited, above] and may not limit parental rights or withhold information from a parent regarding the parent's child. A school district may not be considered to have withheld information from a parent regarding the parent's child if the district's actions are in accordance with other law, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). *Education Code 26.001(c), (c-1)*

"Parent" Defined

For purposes of Education Code Chapter 26 (Parental Rights), "parent" includes a person standing in parental relation, but does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order. Except as provided by federal law, all rights of a parent under Education Code Title 2 and all educational rights under Family Code 151.001(a)(10) shall be exercised by a student who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order. *Education Code 26.002*

Parental Rights

Parental rights listed in Education Code Chapter 26 are:

1. Rights concerning academic programs. *Education Code 26.003, .0061* [See EHA, EIF, FDB, and FMH]
2. Access to student records. *Education Code 26.004* [See FL]
3. Access to state assessments. *Education Code 26.005* [See EKB]

4. Access to teaching materials and test results, and observation of virtual instruction. *Education Code 26.006* [See EF series and EKB]

5. Access to board meetings, other than a closed meeting under the Open Meetings Act. *Education Code 26.007* [See BE and BEC]

6. Right to full information concerning a student. *Education Code 26.008(a)(1)* [See below and at DF, FFE series, and FM]

7. Notification of suspicion of criminal offense committed against a parent's child. *Education Code 26.008(a)(2)* [See FFF]

8. Right to information concerning special education and education of students with learning disabilities. *Education Code 26.0081* [See FB]

9. Requests for public information. *Education Code 26.0085* [See GBA and GBAA]

10. Consent required for certain activities. *Education Code 26.009* [See EHA, FFA, FFE, FL, FM, and FO]

11. Refusal of psychiatric or psychological treatment of child as basis for report of neglect. *Education Code 26.0091* [See FFG]

12. Exemption from instruction. *Education Code 26.010* [See EMB]

13. Right to have a grievance addressed in accordance with a policy adopted by the district's board. *Education Code 26.011* [See FNG]

14. Right to information related to the release of student directory information under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g). *Education Code 26.013* [See FL]

15. Selection of educational setting. *Education Code 26.0025* [See below]

Right to Information

A parent is entitled to full information regarding the school activities of a parent's child, except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)(1)*

Parental Rights Form

The Texas Education Agency (TEA) shall develop a form for use by school districts in providing information about parental rights and options a board is required to disclose to a child's parent on enrollment and at the beginning of each school year under Educa-

tion Code 26.001(d)(4). A district shall post the form in a prominent location on the district's website. *Education Code 26.001(e)*

Right to Select School

A parent is entitled to choose the educational setting for the parent's child, including school, private school, or home school. *Education Code 26.0025*

A parent has the right to designate the school the child will attend and to enroll the child in school, subject to any eligibility or admissions requirements. *Family Code 151.001(a)(11)*

Unless limited by court order, a parent appointed as sole managing conservator of a child has the exclusive right to designate the school the child will attend and to enroll the child in school, subject to any eligibility or admissions requirements. *Family Code 151.132*

The board may not adopt a rule or policy that regulates an education program of a home school. *Education Code 1.010*

Right to Attend School Activities

Unless limited by court order, a parent appointed as a conservator of a child has at all times the right to attend school activities, including school lunches, performances, and field trips. *Family Code 153.073(a)(6)*

Objection to School Assignment

The parent or person standing in parental relation to any student may object to the student's school assignment. Upon receiving a written petition to request or object to a student's assignment, a board shall follow the procedures set forth at Education Code 25.034. *Education Code 25.033(2), .034* [See FDB]

Challenge to Education Records

A district shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the records is inaccurate, misleading, or in violation of the privacy rights of the student. *34 C.F.R. 99.21* [See FL]

Public Information Requests

A district that receives a request from a parent for public information relating to the parent's child shall comply with Government Code Chapter 552 (Public Information Act). A district shall also comply with the deadlines and provisions set forth at Education Code 26.0085. *Gov't Code Ch. 552; Education Code 26.0085* [See GBAA]

Policy on Parental Engagement

The board shall develop a parental engagement policy that:

1. Provides for an internet portal through which parents of students enrolled in the district may submit comments to campus or district administrators and the board;

2. Requires the board to prioritize public comments by presenting those comments at the beginning of each board meeting; and

3. Requires board meetings to be held outside of typical work hours.

Education Code 26.0071

Parental Participation Plan

Each board shall develop a plan for parental participation in the district to improve parent and teacher cooperation, including in the areas of homework, school attendance, and discipline. *Education Code 26.001(d)(2)*

Title I Funding — Parent Right to Know

Professional Qualifications

At the beginning of each school year, a district shall notify the parents of each student attending any school receiving funds under Title I, Part A of the Elementary and Secondary Education Act (ESEA), that the parents may request, and the district will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers. *20 U.S.C. 6312(e)(1)(A)* [See DBA]

Title I Required Notice

A school that receives funds under Title I, Part A of ESEA shall provide to each individual parent of a child who is a student in such school, with respect to such student:

1. Information on the level of achievement and academic growth of the student, if applicable and available, on each of the required state academic assessments [see EKB]; and

2. Timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned [see DBA].

20 U.S.C. 6312(e)(1)(B)

For information on the parent and family engagement requirements for districts receiving funds under the Elementary and Secondary Education Act, see EHBD.

Information Collection

U.S. ED-Funded Surveys (PPRA)

Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the United States Department of Education (U.S. ED), to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. 1232h(b)

Information Collection Funded by Other Sources

Policies

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. ED Funded Surveys, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.
2. A district's arrangements to protect student privacy in the event a survey containing one or more of the items listed under U.S. ED-Funded Surveys, above, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.
4. The administration of physical examinations or screenings that a district may administer to the student.

5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instructional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.

6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if the TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

Parental Notification

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and

2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this provision:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.

2. The administration of any survey containing one or more items described at U.S. ED-Funded Surveys, above.

3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered

and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

20 U.S.C. 1232h(c)(1)-(4) [See FFAA]

"Personal Information" Defined

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

20 U.S.C. 1232h(c)(6)(E)

For information about parental access to instructional materials under the PPRA, see FA.

Videotapes and Recordings

A district employee or contractor must obtain the written consent of a child's parent before the employee or contractor may make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

Exceptions

A district employee or contractor is not required to obtain the consent of a child's parent before the employee or contractor may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

Education Code 26.009 [See EHA, EHBAF, FM, and FO]

Student Clubs

A school district must require the written consent of the parent of a student enrolled in the district before the student may participate in a student club authorized or sponsored at the district. [See FNAB]
Education Code 33.0815

District Complaint or Referral

Against Student

If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a district shall within 10 school days of the student's 10th absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FEA]

Against Parent

The district may file a complaint against the student's parent in a county, justice, or municipal court for an offense of parent contributing to nonattendance under Education Code 25.093 if the district provides evidence of the parent's criminal negligence.

A court shall dismiss a complaint made by a district against a parent that does not comply with Education Code 25.0951; does not allege the elements required for the offense; is not timely filed, unless the district delayed the referral as provided below; or is otherwise substantively defective.

Delaying a Referral

A district may delay a referral of a student for truant conduct, or may choose to not refer a student for truant conduct, if the district:

1. Is applying truancy prevention measures to the student under Education Code 25.0915; and
2. Determines that the truancy prevention measures are succeeding and it is in the best interest of the student that a referral be delayed or not be made.

Education Code 25.0951

Referral Prohibited

A district may not refer a student to truancy court if the school determines that the student's truancy is the result of pregnancy, being in the state foster program, homelessness, severe or life-threatening illness or related treatment, or being the principal income earner for the student's family. [See Truancy Prevention Measures, below] *Education Code 25.0915(a-3)*

Filing Requirements

Each referral to truancy court for conduct described by Family Code 65.003(a) must:

1. Be accompanied by a statement from the student's school certifying that the school applied the truancy prevention measures to the student, and the measures failed to meaningfully address the student's school attendance; and
2. Specify whether the student is eligible for or receives special education services under Education Code Chapter 29, Subchapter A.

A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Family Code 65.054, if the court determines that the district's referral:

1. Does not comply with the requirement above;
2. Does not satisfy the elements required for truant conduct;
3. Is not timely filed, unless the school district delayed the referral as provided above [see Delaying a Referral, above]; or
4. Is otherwise substantively defective.

Education Code 25.0915(b), (c)

Expunction of Records

An individual who was convicted of a truancy offense under former Education Code 25.094 or has had a complaint for a truancy offense dismissed is entitled to have the conviction or complaint and records relating to the conviction or complaint expunged.

Regardless of whether the individual has filed a petition for expunction, the court in which the individual was convicted or a complaint for a truancy offense was filed shall order the conviction, complaints, verdicts, sentences, and other documents relating to the offense, including any documents in the possession of a district or law enforcement agency, to be expunged from the individual's record. After entry of the order, the individual is released from all disabilities resulting from the conviction or complaint, and the conviction or complaint may not be shown or made known for any purpose.

Code of Criminal Procedure 45A.464

Attendance Officer

A board may select a school attendance officer. A school attendance officer also may be selected by two or more boards to serve their districts jointly. *Education Code 25.088*

In districts where no attendance officer has been selected, the superintendent and the peace officers in a district shall perform the duties of attendance officer, but no additional compensation shall be paid for the services. *Education Code 25.090* [See Peace Officers, below]

Powers and Duties

An attendance officer employed by a district who is not commissioned as a peace officer has the following powers and duties with respect to enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of the compulsory school attendance requirements referred to the attendance officer;
2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Educa-

tion Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:

a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); and

b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;

3. To monitor school attendance compliance by each student investigated by the officer;

4. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the commissioner, to provide a record to the individual or entity requesting the record;

5. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that the attendance officer may not enter a residence without permission of the parent or of the owner or tenant of the residence; and

6. At the request of a parent, to escort a student from any location to a school campus to ensure the student's compliance with compulsory school attendance requirements.

Education Code 25.091(b)

Peace Officers

A peace officer serving as an attendance officer has the following powers and duties concerning enforcement of compulsory school attendance requirements:

1. To investigate each case of a violation of compulsory school attendance requirements referred to the peace officer;

2. To enforce compulsory school attendance requirements by applying truancy prevention measures adopted under Education Code 25.0915 to the student and if the measures fail to meaningfully address the student's conduct:

a. Referring the student to a truancy court if the student has unexcused absences for the amount of time specified under Family Code 65.003(a); or

b. Filing a complaint in a county, justice, or municipal court against a parent who violates Education Code 25.093;

3. To serve court-ordered legal process;

4. To review school attendance records for compliance by each student investigated by the officer;

5. To maintain an investigative record on each compulsory school attendance requirement violation and related court action and, at the request of a court, the board, or the Commissioner, to provide a record to the individual or entity requesting the record; and

6. To make a home visit or otherwise contact the parent of a student who is in violation of compulsory school attendance requirements, except that a peace officer may not enter a residence without the permission of the parent of a student required to attend school or of the tenant or owner of the residence except to lawfully serve court-ordered legal process on the parent.

A peace officer who has probable cause to believe that a child is in violation of the compulsory attendance law may take the child into custody for the purpose of returning the child to the school campus of the child to ensure the child's compliance with compulsory attendance requirements.

Education Code 25.091(a), (b-1)

Truancy Prevention Measures

A district shall adopt truancy prevention measures designed to address student conduct related to truancy in the school setting before the student engages in conduct described by Family Code 65.003 and minimize the need for referrals to truancy court for conduct described by Family Code 65.003(a). *Education Code 25.0915(a)*

A district shall take one or more of the following actions as a truancy prevention measure:

1. Impose:

   a. A behavior improvement plan on the student that must be signed by an employee of the school, that the district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:

      (1) A specific description of the behavior that is required or prohibited for the student;

      (2) The period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or

(3) The penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or

b. School-based community service; or

2. Refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy. A referral may include participation by the child's parent or guardian if necessary.

A school district shall offer additional counseling to a student and may not refer the student to truancy court if the school determines that the student's truancy is the result of:

1. Pregnancy;

2. Being in the state foster program;

3. Homelessness;

4. Severe or life-threatening illness or related treatment; or

5. Being the principal income earner for the student's family.

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Education Code 25.0951(a), the district shall initiate truancy prevention measures on the student.

Education Code 25.0915

Minimum Standards

The minimum standards for the truancy prevention measures implemented by a district under Education Code 25.0915 include:

1. Identifying the root cause of the student's unexcused absences and actions to address each cause;

2. Maintaining ongoing communication with students and parents on the actions to be taken to improve attendance;

3. Establishing reasonable timelines for completion of the truancy prevention measure; and

4. Establishing procedures to notify the admission, review, and dismissal committee or the Section 504 committee of attendance issues relating to a student with a disability and ensure that the committee considers whether the student's attendance issues warrant an evaluation, a reevaluation, and/or

modifications to the student's individualized education program or Section 504 plan, as appropriate.

19 TAC 129.1043

Best Practices

A district shall consider the following best practices for truancy prevention measures:

1. Develop an attendance policy that clearly outlines requirements related to truancy in accordance with Education Code, Chapter 25, Subchapter C, and communicate this information to parents at the beginning of the year.
2. Create a culture of attendance that includes training staff to talk with students and parents about the attendance policy and the root causes of unexcused absences.
3. Create incentives for perfect attendance and improved attendance.
4. Educate students and their families on the positive impact of school attendance on performance.
5. Provide opportunities for students and parents to address causes of absence and/or truancy with district staff and link families to relevant community programs and support.
6. Develop collaborative partnerships, including planning, referral, and cross-training opportunities, between appropriate school staff, attendance officers, program-related liaisons, and external partners, such as court representatives, community and faith-based organizations, state or locally funded community programs for truancy intervention or prevention, and law enforcement to assist students.
7. Determine root causes of unexcused absences and review campus- and district-level data on unexcused absences to identify systemic issues that affect attendance.
8. Use existing school programs such as Communities in Schools, 21st Century Community Learning Centers, restorative discipline, and positive behavior interventions and supports (PBIS) to provide students and their parents with services.
9. At the beginning of each school year, conduct a needs assessment and identify and list, or map, services and programs available within the district and the community that a school, a student, or a student's parent or guardian may access to address the student's barriers to attendance and make the infor-

mation available to staff, students, and parents. The information must include, but is not limited to:

a. Services for pregnant and parenting students;

b. Services for students experiencing homelessness;

c. Services for students in foster care;

d. Federal programs including, but not limited to, Title 1, Part A, of the Elementary and Secondary Education Act;

e. State programs including, but not limited to, state compensatory education programs;

f. Dropout prevention programs and programs for “at risk” youth;

g. Programs that occur outside of school time;

h. Counseling services;

i. Tutoring programs and services available at no or low cost;

j. Mental health services;

k. Alcohol and substance abuse prevention and treatment programs;

l. Mentoring programs and services;

m. Juvenile justice services and programs;

n. Child welfare services and programs;

o. Other state or locally funded programs for truancy prevention and intervention; and

p. Other supportive services that are locally available for students and families through faith-based organizations, local governments, and community-based organizations.

10. After identifying and listing, or mapping, services available in the district and community, school districts should target any new resources, programs, or services to gaps in services identified during the needs assessment.

11. School districts should ensure that personnel, including truancy prevention facilitators or juvenile case managers, attendance officers, McKinney-Vento (homeless) liaisons, foster care liaisons, Title IX coordinators, 504 coordinators, pregnancy and parenting coordinators, dropout prevention coordinators, special education staff, and other appropriate student

services personnel, meet to contribute to the needs assessment, discuss opportunities to work together, and identify strategies to coordinate both internally and externally to address students' attendance barriers.

In determining services offered to students identified in Education Code 25.091(a-3), a district shall consider:

1. Offering an optional flexible school day program and evening and online alternatives;
2. Working with businesses that employ students to help students coordinate job and school responsibilities; and
3. Offering before school, after school, and/or Saturday prevention or intervention programs or services that implement best and promising practices.

19 TAC 129.1045

Sanctions

An aggrieved party may file a written complaint with the Texas Education Agency (TEA) regarding an allegation that a district has failed to comply with Education Code 25.0915 or 19 Administrative Code Chapter 129, Subchapter BB related to truancy prevention measures. The commissioner of education may implement any sanction listed in Education Code 39A.002 against a district found to be out of compliance with Education Code 25.0915 or 19 Administrative Code Chapter 129, Subchapter BB, subject to the due process rights accorded to the district under Education Code Chapter 39, Subchapter A. *19 TAC 129.1047*

Truancy Prevention Facilitator or Juvenile Case Manager

A district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by Education Code 25.0915 and any other effective truancy prevention measures as determined by the district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the district in truancy cases.

Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures and any other effective truancy prevention measures as determined by the district or campus.

Education Code 25.0915(d), (e)

On approval of the board, a district may employ or agree in accordance with Government Code Chapter 791, with any appropriate

governmental entity to jointly employ or to jointly contribute to the costs of another entity employing:

1. A case manager to provide services in cases involving juvenile offenders who are before a court consistent with the court's statutory powers or referred to a court by a school administrator or designee for misconduct that would otherwise be within the court's statutory powers prior to a case being filed, with the consent of the juvenile and the juvenile's parents or guardians; or

2. One or more juvenile case managers who shall assist the court in administering the court's juvenile docket and in supervising the court's orders in juvenile cases, and may provide prevention services to a child considered at risk of entering the juvenile justice system, and intervention services to juveniles engaged in misconduct before cases are filed, excluding traffic offenses.

A district that jointly employs a case manager in accordance with Government Code Chapter 791 employs a juvenile case manager for purposes of Code of Criminal Procedure Chapter 102 and Government Code Chapter 102.

Code of Criminal Procedure 45.056(a), (c)

Funding

A district may apply to the criminal justice division of the governor's office for reimbursements of the costs of employing a juvenile case manager. The district may pay the salary and benefits of a juvenile case manager and the costs of training, travel, office supplies, and other necessary expenses relating to the position of the juvenile case manager from the local truancy prevention and diversion fund established under Local Government Code 134.156. *Code of Criminal Procedure 45.056(b)*

Priority

A juvenile case manager employed jointly under Government Code Chapter 791 shall give priority to cases brought under Education Codes 25.093 (parent contributing to nonattendance). *Code of Criminal Procedure 45.056(e)*

Rules

The board of a district that employs a juvenile case manager shall adopt and implement reasonable rules for juvenile case managers that provide a code of ethics, and for the enforcement of the code of ethics; appropriate educational preservice and in-service training standards for juvenile case managers; and training in:

1. The role of the juvenile case manager;

2. Case planning and management;

3. Applicable procedural and substantive law;
4. Courtroom proceedings and presentation;
5. Services to at-risk youth under Family Code Chapter 264, Subchapter D;
6. Local programs and services for juveniles and methods by which juveniles may access those programs and services; and
7. Detecting and preventing abuse, exploitation, and neglect of juveniles.
8. The juvenile case manager shall timely report to the judge who signed the order or judgment and, on request, to the judge assigned to the case or the presiding judge any information or recommendations relevant to assisting the judge in making decisions that are in the best interest of the child.

Code of Criminal Procedure 45.056(f)-(i)

Parent Contributing Agreement

A parent against whom a complaint for parent contributing to nonattendance under Education Code 25.093 has been filed and the district at which the parent's child is enrolled may enter into a written agreement requiring the parent to complete counseling, training, or another program as designated by the district.

A parent who fulfills the terms of an agreement not later than the 30th day after the date on which the complaint was filed or within the period provided by the agreement is entitled to dismissal of the complaint in accordance with Code of Criminal Procedure article 45.0531(b). *Education Code 25.094*

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Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Telehealth in Medicaid Covered Services

Telemedicine medical services and telehealth services authorized as Texas Medicaid covered services must meet the conditions specified in 1 Administrative Code 354.1432(5). *1 TAC 354.1432(5)*

Administering Medication

Immunity

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune from civil liability and administrative disciplinary action for damages or injuries resulting from the administration of medication to a student if:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student; and

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

Nonprescription Medication

A policy adopted concerning the administration of medication to students by district employees may permit a district employee, including a nurse, to administer nonprescription medication to a student without further authorization or written protocol from the student's health-care provider if:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student;

2. The medication is unexpired and administered from a container that appears to be the original container and properly labeled; and

3. The dose administered is consistent with the instructions on the container's label.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's health-care provider.

Education Code 22.052(a)-(b)

Rules Applicable to Nurses

The Texas Board of Nursing may not adopt or enforce a rule in conflict with Education Code 22.052. *Occupations Code 301.151*

[See DG regarding protection of nurses for refusal to perform acts.]

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
    a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
    b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
        (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
        (2) The name and purpose of the medicine;
        (3) The prescribed dosage for the medicine;
        (4) The times at which or circumstances under which the medicine may be administered; and

(5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

Prescription Medication and Special Education Students

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or

school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, storage, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

Concussions

Concussion Response Policy

A school district shall adopt and implement a policy regarding how to respond to a concussion believed to have been sustained by a student while on school property or participating in a school-sponsored or school-related activity on or off school property.

Definition

For purposes of this policy, “concussion” means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may:

1. Include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns; and
2. Involve loss of consciousness.

Application

This section does not apply to a concussion believed to have been sustained by a student while participating in an interscholastic athletic activity. [See FM for requirements related to a concussion sustained during an interscholastic activity.]

Requirements

A district’s concussion response policy must provide for:

1. The immediate removal of a student from a school-sponsored or school-related activity if a school district employee or volunteer believes the student might have sustained a concussion;
2. Notice to the student's parent or guardian or another person with legal authority to make medical decisions for the student of the student's suspected concussion and removal; and
3. The student's return to a school-sponsored or school-related activity following the student’s removal for a suspected concussion only after the requirements under Education Code 38.157(a) have been satisfied. [See FM for the applicable requirements regarding return to play.]

Education Code 38.171-.173

Academic Accommodations

The Texas Education Agency (TEA) shall develop a list of nonmedical academic accommodations a school district may offer to a student diagnosed with a concussion or other brain injury.

TEA shall develop a form for use by school districts describing the accommodations a district may offer and make the form available on TEA's website for use by districts, district educators or administrators, students, and parents or guardians.

A school district that provides accommodations under Education Code 38.0051 must make the form described above available to:

1. A district employee as soon as practicable after receiving notice that a student enrolled in the district has been diagnosed with a concussion or other brain injury or a request from the employee; and

2. A student enrolled in the district or the student's parent or guardian as soon as practicable after receiving notice that the student has been diagnosed with a concussion or other brain injury or a request from the student or parent or guardian.

Education Code 38.0051 may not be construed to require a district to provide any accommodations under that section.

Education Code 38.0051

Dextromethorphan (Certain Cold Medication)

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Maintenance and Administration of Opioid Antagonists

Each district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

The policy adopted must:

1. Provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;

2. Require that each school campus subject to a policy adopted under this provision have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours;

3. Establish the number of opioid antagonists that must be available at each campus at any given time; and

4. Require that the supply of opioid antagonists at each school campus subject to a policy adopted under this provision must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

Education Code 38.222(a), (c); 25 TAC 40.84(b)-(c); 19 TAC 103.1103

Definitions

"Authorized health-care provider" means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

"Campus" means a unit of a district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

"Opioid antagonist" as defined in Health and Safety Code 483.101, means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

"Opioid-related drug overdose" as defined in Health and Safety Code 483.101, means a condition, evidenced by symptoms of extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid.

25 TAC 40.82(2)-(3), (5)-(6)

Maintenance

Once a district adopts an opioid antagonist medication policy, a campus implementing an opioid policy must stock opioid antagonist medication.

Prescription

A campus must obtain a prescription from a physician or a person who has been delegated prescriptive authority to stock, possess, and maintain the established number of doses of opioid antagonists as determined by a district, on each campus as described in Education Code 38.225 (Prescription of Opioid Antagonists).

The campus must renew this prescription or obtain a new prescription annually.

The number of additional doses may be determined by an individual campus review led by a physician or a person who has been delegated prescriptive authority.

25 TAC 40.85(a)-(b)

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe opioid antagonists in the name of a school district. *Education Code 38.225(a); 25 TAC 40.85(c)*

Storage of Medication

The unassigned opioid antagonist medication must be stored in a secure location and be easily accessible, in accordance with the manufacturer's guidelines and local policy of the district.

Disposal

Used, unassigned opioid antagonists are considered infectious waste and must be disposed of according to the school's bloodborne pathogen control policy.

Expired, unassigned opioid antagonists must be disposed of in accordance with the Federal Drug Administration's disposal of unused medications guidelines and local policy of the district.

25 TAC 40.85(d)-(f)

Reporting Requirement

The campus must submit the report no later than the 10th business day after the date a school personnel member or school volunteer administers an opioid antagonist in accordance with the unassigned opioid antagonist medication policy.

The report shall be submitted to the following individuals and entities:

1. The district;
2. The physician or other person who prescribed the opioid antagonist; and
3. The commissioner of DSHS.

Notifications to the commissioner of DSHS must be submitted on the designated electronic form available on DSHS School Health Program website found at dshs.texas.gov.

25 TAC 40.87(b)-(c)

The school shall report the following information:

1. The age of the person who received the administration of the opioid antagonist;

2. Whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;

3. The physical location where the opioid antagonist was administered;

4. The number of doses of opioid antagonist administered;

5. The title of the person who administered the opioid antagonist; and

6. Any other information required by the commissioner of education.

Education Code 38.223(b)

Records Retention

Records relating to implementing and administering the district unassigned opioid antagonist medication policy must be retained per the campus record retention schedule. *25 TAC 40.87(a)*

Training

A district that adopts an opioid antagonist policy is responsible for training school personnel and school volunteers in the administration of an opioid antagonist. *Education Code 38.224(a)*

Training must include information on:

1. Recognizing the signs and symptoms of an opioid-related drug overdose;

2. Responding to an opioid-related drug overdose and administering an opioid antagonist;

3. Implementing emergency procedures, after administering an opioid antagonist;

4. Understanding the medical purpose and misuse of opioids; and

5. Properly disposing of used or expired opioid antagonists.

Training must:

1. Be provided annually in a formal training session or through online education, including practicing the administration of an opioid antagonist with an opioid antagonist trainer device; and

2. Be provided in accordance with the policy adopted under Education Code 21.4515.

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers

who are trained and authorized to administer the unassigned opioid antagonist medication on the campus.

25 TAC 40.86(b)-(c)

Gifts, Grants, and Donations

A district may accept gifts, grants, donations, and federal and local funds to implement these provisions. *Education Code 38.226*

Immunity

A person who in good faith takes, or fails to take, any action under Education Code Chapter 38, Subchapter E-1 is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.227. *Education Code 38.227*

Maintenance and Administration of Epinephrine Delivery Systems

Note: The following provisions apply only to a district that adopts an unassigned epinephrine delivery system policy.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine delivery systems at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine delivery system to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and
2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine delivery system to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine delivery system present during all hours the campus is open. The supply of epinephrine delivery systems at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine delivery system.

Education Code 38.208

A district that chooses to adopt and implement a written unassigned epinephrine delivery system policy under Education Code Chapter 38, Subchapter E is not required to create an additional policy for care of certain students at risk for anaphylaxis under Ed-

ucation Code 38.0151 [see FFAF]. *Education Code 38.0151(f); 25 TAC 40.62(c)*

A district may develop, as part of the policy, provisions for additional doses to be stocked and utilized at off-campus school events, or in transit to or from school events. *Education Code 38.208(b); 25 TAC 40.65(a)(2)*

Definitions

Epinephrine Delivery System

“Epinephrine delivery system" means a medical delivery device approved by the United States Food and Drug Administration that delivers a dose of epinephrine intended for use to treat anaphylaxis, including:

1. An epinephrine auto-injector; and
2. An epinephrine nasal spray.

Education Code 38.201

All Hours the Campus Is Open

“All hours the campus is open” is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A “campus” is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

Unassigned Epinephrine Delivery System

An “unassigned epinephrine delivery system” is an epinephrine delivery system prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine delivery system, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 40.63(1), (4), (11)

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine delivery system is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine delivery system before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine

delivery system is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 40.65(e)-(f)

Records

School records of the administration of the unassigned epinephrine delivery system and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request.

Records relating to implementation and administration of the school's unassigned epinephrine delivery system policy shall be retained per the record retention schedule for records of public school districts found in 13 Administrative Code 7.131 [see CPC].

25 TAC 40.65(f)-(g)

Reports

Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine delivery system in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine delivery system; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine delivery system;
2. Whether the person who received the administration of the epinephrine delivery system was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine delivery system was administered;
4. The number of doses of epinephrine delivery system administered;
5. The title of the person who administered the epinephrine delivery system; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 40.68(b)*

Assignment of Trained Individuals

At each campus in which a school adopts an unassigned epinephrine delivery system policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine delivery systems or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine delivery systems.

In order to increase the number of trained individuals in the administration of unassigned epinephrine delivery systems, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine delivery system to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with a delivery system.

25 TAC 40.66(a)-(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine delivery system must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine delivery system to a student or individual that may be experiencing anaphylaxis. *25 TAC 40.66(c)*

Training

A district that adopts an unassigned epinephrine delivery system written policy is responsible for training school personnel and school volunteers in the administration of an unassigned delivery system.

Training must include information on:

1. Recognizing the signs and symptoms of anaphylaxis;
2. Administering an epinephrine delivery system;
3. Implementing emergency procedures, if necessary, after administering an epinephrine delivery system; and
4. Properly disposing of used or expired epinephrine delivery systems.

Training must be provided in accordance with the district professional development policy [see DMA].

Education Code 38.210(a), (b)

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training.

Training:

1. Shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention;

2. May be provided in a formal face-to-face training session or through an online education course;

3. Must include information on properly inspecting unassigned epinephrine delivery systems for usage and expiration; and

4. Must include information about promptly notifying local emergency medical services.

25 TAC 40.67(1)-(2), (5)

The initial training must include hands-on training with an epinephrine delivery system trainer. The annual refresher training must include a hands-on demonstration of administration skills.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine delivery system on the campus.

25 TAC 40.67(3)-(4), (6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine delivery systems in the name of a district in accordance with law. An order issued must contain the quantity and types of epinephrine delivery systems to be obtained and maintained under the order. *Education Code 38.211(a), (c)(3)*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine delivery system pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 40.65(a)-(a)(1)

Epinephrine Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine delivery systems. Throughout the school calendar year, the designated school personnel must coordinate with each campus to ensure that the unassigned epinephrine delivery systems are checked monthly for expi-

	ration and usage and the findings are documented. *25 TAC 40.65(b)*
Notice to Parents	If a district implements a policy for the maintenance, administration, and disposal of epinephrine delivery systems, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212* A district shall provide electronic or written notice to the parent or guardian of each student. If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days. *25 TAC 40.69*
Storage	Unassigned epinephrine delivery systems shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine delivery systems on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 40.65(h)*
Replacement	The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine delivery system that is used or close to expiration. *25 TAC 40.65(i)*
Disposal	Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy. Expired unassigned epinephrine delivery systems shall be disposed of according to the school's medication disposal policy. *25 TAC 40.65(j)-(k)* [See DBB]
Gifts, Grants, and Donations	A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

Maintenance and Administration of Medication for Respiratory Distress

Note: The following provisions apply only to a district that adopts a policy on medication for respiratory distress.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of unassigned medication for respiratory distress at each campus in the district. *Education Code 38.208(a-1); 25 TAC 40.44(a)*

If a policy is adopted, the policy must provide that school personnel and school volunteers who are authorized and trained may administer medication for respiratory distress to a person reasonably believed to be experiencing respiratory distress on a school campus, or at a school-sponsored or school-related activity on or off school property. *Education Code 38.208(b-1); 25 TAC 40.44(a)(1)(C)*

In developing the policy, a district may consider performing a review to include:

1. Consultation with school nurses, the local school health advisory committee, local health-care providers, or any department or organization involved with student well-being;
2. Campus geography; and
3. Student population size.

25 TAC 40.44(b)

An adopted unassigned medication for respiratory distress policy must be publicly available. *25 TAC 40.44(d)*

Definitions

“School personnel” means an employee of a district. The term includes a member of the board.

“School volunteer” means a person providing services for or on behalf of a district, on the premises of the district or at a school-sponsored or school-related activity on or off school property, who does not receive compensation in excess of reimbursement for expenses.

“Unassigned medication for respiratory distress” means albuterol, levalbuterol, or another medication based on the best available medical evidence for the treatment of respiratory distress that is:

1. Delivered by metered-dose inhaler (MDI) with a spacer (valved holding chamber) or by a nebulizer as a rescue medication;
2. Prescribed by an authorized health-care provider in the name of the district;

3. Issued with a non-patient-specific standing delegation order for the administration of a medication for respiratory distress; and

4. Issued by an authorized health-care provider.

Education Code 38.201(3-a), (6), 22.053(b); 25 TAC 40.42(8), (10), (12)

Each Campus During Regular School Hours

Each district that adopts a policy must require that each campus have one or more school personnel or school volunteers authorized and trained to administer unassigned medication for respiratory distress present during regular school hours, which means at least 30 minutes before the first bell to 30 minutes after the last bell of the school day. *Education Code 38.208(d-1); 25 TAC 40.42(5), 40.44(a)(1)(C)*

A “campus” is defined as a geographic unit of a district that:

1. Has an assigned administrator;

2. Has enrolled students who are counted for average daily attendance;

3. Has assigned instructional staff;

4. Provides instructional services to students;

5. Has one or more grades in the range from early childhood education through grade 12 or is ungraded; and

6. Is subject to Texas laws.

25 TAC 40.42(2)

Medication Inventory

Subject to the availability of funding, a district that adopts a policy must allow for treatment of multiple students and secure or obtain at least:

1. One MDI with appropriate spacers (valved holding chambers) to accommodate the developmental needs of the student population; or

2. At least five vials of nebulizer solution with appropriate nebulizer-required equipment to accommodate the developmental needs of the student population.

25 TAC 40.44(a)(2)

In addition to the minimum number of doses described above, the number of additional doses may be determined by an individual campus review led by an authorized health-care provider. *25 TAC 40.45(b)(2)*

Designated Campus Administrator

A district that adopts a policy must include in the policy the designated campus administrator to coordinate and manage policy implementation for each campus, which includes:

1. Conducting a review at the campus to determine the need for additional doses;
2. Training school personnel and school volunteers;
3. Acquiring or purchasing, maintaining, storing, and using unassigned medication for respiratory distress, subject to available campus funding; and
4. Disposing of expired unassigned medication for respiratory distress.

25 TAC 40.44(c)(1)

Notification Procedures

Each district that adopts a policy must include in the policy the procedures for notifying a parent, prescribing authorized health-care provider, and the student's primary health-care provider when unassigned medication for respiratory distress is administered. *25 TAC 40.44(c)(4)*

Referral Required

If unassigned medication for respiratory distress is administered to a student whose parent or guardian has not provided notification to the school that the student has been diagnosed with asthma, the school must refer the student to the student’s primary care provider on the day the medication for respiratory distress is administered and inform the student’s parent or guardian regarding the referral. The referral must include:

1. The symptoms of respiratory distress observed;
2. The name and dosage of the unassigned medication for respiratory distress administered to the student;
3. Any patient care instructions given to the student; and
4. Information about the purpose and use of an asthma action plan and medical authorization for schools, including a blank copy of the plan and authorization the provider completes and returns to the school.

If a student who has received medication for respiratory distress does not have a primary care provider or the parent or guardian of the student has not engaged a primary care provider for the student, the student’s parent or guardian must receive information to assist the parent or guardian in selecting a primary care provider for the student.

Education Code 38.208(b-2)-(b-3); 25 TAC 40.44(c)(6)-(7)

Storage

The supply of medication for respiratory distress at each campus must be stored in accordance with the manufacturer's guidelines and local policy of the district in a secure location and be easily accessible to authorized school personnel and school volunteers. *Education Code 38.208(e-1); 25 TAC 40.45(d)*

The location of the unassigned medication for respiratory distress must be specified in the policy. *25 TAC 40.44(c)(3)*

Disposal

The policy must include a plan to check inventory of unassigned medication for respiratory distress for expiration at least twice during the school year, to replace, as soon as reasonably possible, and to document the findings. *25 TAC 40.44(c)(5)*

Expired unassigned medication for respiratory distress and other used or expired supplies must be disposed of in accordance with the manufacturer's guidelines and local policy of the district. *25 TAC 40.45(e)*

Records Retention

Records relating to implementing and administering the district's unassigned medication for respiratory distress policy must be retained per the campus record retention schedule. *25 TAC 40.47(a)*

Training

Each district that adopts a policy for the administration of medication for respiratory distress is responsible for training school personnel and school volunteers in the administration of medication for respiratory distress. Each authorized school personnel or school volunteer must receive initial training and an annual refresher training. The training must:

1. Include information on recognizing the signs and symptoms of respiratory distress;
2. Include information on administering medication for respiratory distress;
3. Include information on implementing emergency procedures, if necessary, after administering medication for respiratory distress;
4. Include information on proper sanitization, reuse, and disposal of medication for respiratory distress;
5. Cover the authorized health-care provider's standing order;
6. Include processes to follow-up with the prescribing authorized health-care provider and the student's primary health-care provider;
7. Provide information on the report required after administering unassigned medication [see below];

8. Include information on the district's adopted unassigned medication for respiratory distress policy;

9. Incorporate hands-on training with unassigned medication for respiratory distress; and

10. Inform school personnel or school volunteers of the purpose and use of asthma action plans.

Education Code 38.210(a-1); 25 TAC 40.46(a)

Training must be provided in a formal training session or through online education and must be provided in accordance with the district professional development policy [see DMA]. *Education Code 38.210(b)*

The policy must include a list of trained and authorized school personnel and school volunteers available to administer unassigned medication for respiratory distress. *25 TAC 40.44(c)(2)*

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers trained and authorized to administer unassigned medication for respiratory distress at the campus or at a school-sponsored event. *25 TAC 40.46(b)*

Reporting Requirement

Not later than the 10th business day after the date a school personnel member or school volunteer administers medication for respiratory distress to a person experiencing respiratory distress, the school shall report the following information to the district, the physician or other person who prescribed the medication for respiratory distress, and the commissioner of state health services:

1. The age of the person who received the administration of the medication for respiratory distress;

2. Whether the person who received the administration of the medication for respiratory distress was a student, a school personnel member or school volunteer, or a visitor;

3. The dosage of the medication for respiratory distress administered;

4. The title of the person who administered the medication for respiratory distress; and

5. Any other information required by the commissioner.

Notifications to the commissioner of state health services must be submitted on the designated electronic form available on the DSHS School Health Program website found at dshs.texas.gov.

Education Code 38.2091; 25 TAC 40.47

No Negative Fiscal Impact

The policy may not require a district to purchase prescription medication for respiratory distress or require any other expenditure related to the maintenance or administration of medication for respiratory distress that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe medication for respiratory distress in the name of a school district. *Education Code 38.211(a)*

Each district campus in a district that adopts a policy for the administration of medication for respiratory distress must obtain a prescription from an authorized health-care provider to stock, possess, and maintain unassigned medication for respiratory distress at each campus and any equipment necessary to administer the medication. The campus must renew this prescription or obtain a new prescription annually. *25 TAC 40.45(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of medication for respiratory distress, the district shall provide written or electronic notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212; 25 TAC 40.48(a)*

If a district changes or discontinues the unassigned medication for respiratory distress policy, the campus must provide written or electronic notice detailing the change or discontinuation of the policy to a parent or guardian of each student within 15 calendar days after the change or discontinuation. *25 TAC 40.48(b)*

Vendor Contracts

The board may contract with a vendor to provide medication for respiratory distress and related equipment to the district and training to school personnel and school volunteers authorized to administer medication for respiratory distress under Education Code Chapter 38, Subchapter E. *Education Code 38.2115*

Refusal to Administer

A school personnel member or school volunteer may not be subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine delivery systems or medication for respiratory distress, as applicable, in accordance with a policy for the maintenance and administration of epinephrine

delivery systems or a policy for medication for respiratory distress. *Education Code 38.208(d-2)*

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine delivery systems and medication for respiratory distress, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.215 and 25 Administrative Code 40.49. *Education Code 38.215; 25 TAC 40.71*

Note: For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB. For personnel information about mental health professionals, see DP.

Mental Health Condition

"Mental health condition" means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

Education Code 5.001(5-a)

Student Programs

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

Subject Areas

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

"School climate" means the quality and character of school life, including interpersonal relationships, teaching and learning prac-

tices, and organizational structures, as experienced by students enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

Practices and Procedures

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;

2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;

3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;

4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;

5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and

6. Include procedures:

    a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and

    b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

Education Code 38.351(a)–(f), (i)–(o)

Immunity

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. *Education Code 38.352*

Student Identification Cards

Each student identification card issued by a public school to a student in grade six or higher must have printed on the card the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line. The student identification card may have printed on the card the contact information for a local suicide prevention hotline, if available. *Education Code 38.353*

Consent to Examinations, Tests, or Treatment

A district employee or contractor must obtain the written consent of a child's parent in the manner required by Education Code 26.009(a-2) before the employee or contractor may conduct a psychological or psychiatric examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or

2. State or federal law regarding requirements for special education.

Education Code 26.009(a)(1)

[For more information regarding required parental consent for a psychological or psychiatric examination, test, or treatment, see FFA. For more information about consent to medical treatment, including psychological treatment under certain circumstances, see FFAC. For information about consent to counseling, see FFEA.]

Professional's Authority

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

Exception: Court Order

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

Family Code 32.004(b), (c)

[See DPB for more information about school psychologist and school counselor responsibilities.]

Consent to School Psychologist

Informed consent for a school psychologist must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any Texas Behavioral Health Executive Council (TBHEC) rules, is necessary in this context. Licensees providing psychological services under 22 Administrative Code 465.38(e)(2), however, must obtain informed consent as otherwise required by the TBHEC rules. *22 TAC 465.38(g)*

Professional Immunity

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct. *Family Code 32.004(d)*

Outside Counselors

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.
2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.
3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.
4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.
5. Specifically prohibits any disclosure of a student record that violates state or federal law.

Education Code 38.010

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

Psychotropics and Psychiatric Evaluations

A district employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or

2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or

3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

Education Code 38.016

[For information regarding administration of medication, see FFAC.]

Child Abuse Reporting

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 FFG]

Note: See policies DHB and DHC for information on other required reports regarding alleged misconduct against a student.

The District shall notify a parent of a student with whom a District employee or a person acting as a service provider for the District is alleged to have engaged in misconduct, informing the parent:

1. As soon as feasible that the alleged misconduct may have occurred;
2. Whether the individual was terminated following an investigation of the alleged misconduct or resigned before completion of the investigation; and
3. Whether a report was submitted to the Texas Education Agency or State Board for Educator Certification concerning the alleged misconduct.

For purposes of this policy, misconduct is defined as an individual's:

1. Alleged abuse or commission of an otherwise unlawful act with a student;
2. Involvement in or soliciting a romantic relationship, or soliciting or engaging in sexual contact, with a student;
3. Engaging in inappropriate communications with a student; or
4. Failing to maintain appropriate boundaries with a student.

Notice of Suspected Criminal Offense

Except as provided by state law regarding child abuse investigations, the District shall notify a parent not later than one business day after the date an employee first suspects that a criminal offense has been committed against the parent's child.

[See also FFG for reporting requirements related to child abuse and FFH for parental notification requirements regarding prohibited conduct as defined by that policy.]

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UIL Rules and District Policies

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

Athletic Activities

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation — Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201-33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

Education Code 33.207(b), .208

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

Education Code 33.206

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

Safety Precautions

A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:

1. Each student participant is adequately hydrated;
2. Any prescribed asthma medication for a student participant is readily available to the student;
3. Emergency lanes providing access to the practice or competition area are open and clear; and
4. Heatstroke prevention materials are readily available.

If a student participating in a practice or competition becomes unconscious during the activity, the student may not:

1. Return to the activity during which the student became unconscious; or
2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

Education Code 33.205

Concussions

"Interscholastic athletic activity" includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL. *Education Code 38.152*

"Concussion" means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness. *Education Code 38.151(4)*

Concussion Oversight Team

The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight

team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

A district may include a licensed chiropractor or physical therapist as a member of the district concussion oversight team, provided that the person meets the training requirements.

Education Code 38.154

Training Requirements

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158. *Education Code 38.154(c), .158(f)*

A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. *Education Code 38.158(g)*

Return-to-Play Protocol

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

Required Annual Form

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

Removal from Play

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor or physical therapist; a school nurse; or the student's parent or guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

Return to Play

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to

practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;

2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;

3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and

4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:

    a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;

    b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;

    c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and

    d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play

protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

Education Code 38.157

Immunity

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;
2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

Education Code 38.159

[For information regarding concussions sustained in an activity other than an interscholastic athletic activity or for academic accommodations available to students with a concussion, see FFAC.]

Football Helmet Safety Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

Education Code 33.094(a)-(c)

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

Education Code 33.091(d)-(e)

Cardiac Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as establish by the health-care professional's Texas licensing act.

Immunity

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

Education Code 33.096

Safety of Official

A district that holds an extracurricular athletic activity or a UIL athletic competition on district property shall provide a peace officer, a school resource officer, an administrator, or security personnel to ensure the safety of a referee, judge, or other official of the activity or competition until the official departs district property if:

1. A participant or spectator of the activity or competition engages in, attempts to engage in, or threatens violent conduct against the official or otherwise disrupts the duties or free movement of the official; or
2. The district reasonably suspects that an incident described above may occur at the activity or competition.

Education Code 33.099

[For information regarding the suspension of an individual who causes bodily injury to an official, see Suspension for Certain Conduct Involving Extracurricular Officials and Spectator Suspension, below.]

Interscholastic Athletic Competition Based on Biological Sex

An interscholastic athletic team sponsored or authorized by a district may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's official birth certificate, as described below, or if the student's official birth certificate is unobtainable, another government record.

Exception

An interscholastic athletic team sponsored or authorized by a district may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.

Birth Certificate Statement

For purposes of this provision, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct any type of scrivener or clerical error in the student's biological sex.

Education Code 33.0834

Water Activities

Definitions

“Body of water” means an artificial or natural body of water, including a swimming pool, lake, or river, typically used for recreational swimming, bathing, or play. The term does not include a wading pool.

“Child” means an individual younger than 12 years of age.

“Organized water activity” means an activity an organization conducts in which a participant will enter or travel on a body of water as part of the activity.

“Wading pool” means a pool, including a pool that contains a public interactive water feature and fountain as defined by department rule, with a maximum water depth of not more than 18 inches.

Parent Affirmation

An organization, including a school, that authorizes a child to engage in an organized water activity shall require the child’s parent or legal guardian to affirm in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a body of water.

Flotation Device Required	The organization shall provide to each child who is unable to swim or is at risk of injury or death when swimming or otherwise entering a body of water a properly fitted and fastened Type I, II, or III United States Coast Guard approved personal flotation device or a device the executive commissioner of Texas Health and Human Services determines is equivalent. The organization shall ensure the child is wearing the personal flotation device and the device is properly fitted and fastened for the child. The organization is not required to provide a child with a flotation device or ensure the child is wearing the device if the child is actively participating in swim instruction or a competition and the organization ensures each child participating in the instruction or a competition is closely supervised during the instruction or competition.
Failure to Comply	An organization that violates this provision or rules adopted under this provision is subject to disciplinary action. *Health and Safety Code 341.0646(a)-(e)*
Rodeos	This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate. “Rodeo” means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including: 1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider; 2. Riding a bull; 3. Roping an animal, including roping as part of a team; 4. Wrestling a steer; and 5. Riding a horse in a pattern around preset barrels or other obstacles.
Educational Program	A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

Restriction on Participation	A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.
Protective Gear for Bull Riding	A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.
	Health and Safety Code 768.001(6), .003; 25 TAC 104.2-.4
Eligibility	A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*
Military Dependents	The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B* [See FDD]
Attendance and Participation	The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week. The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least 10 times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE. *Education Code 33.081(a), .0811*
SBOE Rules	The following provisions apply to any UIL activity. Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

Public Performances

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

State-Approved Music Courses

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

19 TAC 76.1001(a)

Limits on Participation and Practice

During the School Week

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than two activities per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.

3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.

4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3-11.

19 TAC 76.1001(d); Education Code 33.081(a)

During the School Day

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.

2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.

3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.

4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.

5. Regardless of the schedule type in place (traditional or nontraditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Students Receiving Outpatient Mental Health Services

A district may not adopt or enforce policies that restrict participation in UIL activities by a student who receives outpatient mental health services from a mental health facility and is enrolled in the district or otherwise receives public education services from a district based solely on the student's receipt of outpatient mental health

services from a mental health facility or the student's absence during instructional time while receiving outpatient mental health services from a mental health facility.

This provision does not exempt a student to whom this section applies from any eligibility requirement for participation in UIL activities other than an eligibility requirement based solely on the criteria of receipt of outpatient mental health services from a mental health facility.

Education Code 33.0833(c)-(d)

Participation by Homeschooled Students

Except as provided below, a public school that participates in an activity sponsored by UIL shall provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

Not later than the date specified under UIL rule, the board may adopt a policy declining to grant non-enrolled students the opportunity to participate in UIL activities.

"Non-enrolled student" means a student who receives instruction as a homeschooled student as described by Education Code 29.916(a)(1) from a nonpublic school [see EK].

[For requirements specific to participation in Junior Reserve Officers' Training Corps by homeschooled students, see EEL.]

Relevant Policies

A non-enrolled student who seeks to participate or participates in a UIL activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

1. Registration for UIL activities;
2. Age eligibility;
3. Fees;
4. Insurance;
5. Transportation;
6. Physical condition;
7. Qualifications;
8. Responsibilities;
9. Event schedules;
10. Standards of behavior; and

11. Performance.

Residency Requirements

Except as provided below, a non-enrolled student may only participate in a UIL activity for the school in the district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a UIL activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Education Code 25.001 [see FD].

If the school that a non-enrolled student would be eligible to attend is subject to a policy declining to grant non-enrolled students the opportunity to participate in UIL activities, the student may participate in a UIL activity for the closest school, based on geographic proximity to the student's residential address, that is not subject to such a policy.

Academic Requirements

The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating to the student's participation in a UIL activity. As a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. A district shall accept assessment results administered or reported by a third party.

A non-enrolled student's demonstration of academic proficiency is sufficient for the school year in which the student achieves the required score and the subsequent school year.

After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

Previous Enrollment in Public School

A non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

Prohibitions

With respect to a non-enrolled student's education program, nothing in these provisions shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a UIL activity.

Subject only to eligibility requirements, the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a UIL activity. Subject only to eligibility requirements, for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

UIL Classification

When assigning league classification to a public school based on student enrollment, the UIL must use the same student enrollment calculation formula for a school that allows a non-enrolled student to participate in a league activity as the formula used to determine the student enrollment of a school that does not allow a nonenrolled student to participate in the league activity.

Education Code 33.0832

UIL Allotment

For each nonenrolled student who participates in a UIL activity for a school in a district that allows participation of nonenrolled students, the district is entitled to an annual allotment of $1,500 per UIL activity in which the nonenrolled student participates. *Education Code 48.305*

Definitions

“Activity season” means the period established by a school or the UIL in which practices, rehearsals, and interschool competitions or contests take place.

“Nonenrolled student” means a student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child’s home. This may include a student who is designated as enrolled, not in membership.

“Participation” means the active involvement of a student in a minimum of 75 percent of a combined total of practices, rehearsals, or preparation activities and associated competitions and contests, including selection as an alternate, for a specific UIL activity.

"University Interscholastic League or UIL activity" means any official UIL activity identified in the UIL Constitution and Contest Rules, not including pilot activities.

UIL activities shall:

1. Be overseen by a school district-approved coach or sponsor;
2. Provide for a minimum of four weeks of coach- or sponsor-led practice, rehearsal, or preparation specific to the activity within the designated activity season; and
3. Provide opportunities for students to take part in formal, interschool competitions or contests in the associated activity during the designated activity season.

A district may still receive the allotment if a student began the activity season without injury or illness and later experienced an injury or prolonged illness that prevented participation.

For audit purposes, a district shall maintain documentation to support the requirements of this provision.

A district will be provided with estimated funding during a school year for nonenrolled students in accordance with 19 Administrative Code 105.1031(g).

19 TAC 105.1031

Suspension from Extracurricular Activities

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

Length of Suspension

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

Grade Evaluation Period

"Grade evaluation period" means:

1. The six-week grade reporting period; or
2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

Education Code 33.081(c)

School Week

The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of

instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses

The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

19 TAC 74.30

Students with Disabilities

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

Education Code 33.081(e)

Practice or Rehearsal

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance. This provision does not apply to a student prohibited from participation for certain conduct involving extracurricular officials [see below]. *Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the

time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Suspension for Certain Conduct Involving Extracurricular Officials

A student who is enrolled in a district in Texas or who participates in a UIL competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

Reinstatement After Conduct

A student prohibited from participation may submit to the UIL a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the UIL. The request must be submitted at least one year after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in ninth grade or above at the time of the conduct.

Education Code 33.081(e-1)-(e-2)

Spectator Suspension

A district shall prohibit a spectator of an extracurricular athletic activity or competition, including a parent or guardian of a student participant, from attending any future extracurricular athletic activity or competition sponsored or sanctioned by the district or the UIL if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular athletic activity or competition in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular athletic activity or competition.

A district may establish an appeals process by which a person may appeal the prohibition to the district and the district may determine the facts associated with the conduct for which the district imposed the prohibition.

A prohibition imposed under this provision must be for not less than one year after the date on which the prohibition is imposed

but may not exceed five years from the date on which the prohibition is imposed.

Education Code 33.081(f-1)-(f-3)

Parental Notice and Consent

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)(1)*

Anonymous Evaluations

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

Videotaping and Recording

A district employee or contractor is not required to obtain the consent of a child's parent before the employee or contractor may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*

Discriminatory Club

An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex.

"Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members.

Education Code 33.082

Special Olympics Recognition

If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*

Student Election Clerks

Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*

Before-School and After-School Programs

The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours.

A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district.

A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract with a child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

Education Code 33.9031

Mandatory Removal by a Teacher

A teacher shall remove from class and send to the principal for placement in a disciplinary alternative education program (DAEP) or expulsion, as appropriate, a student who engages in conduct described in Education Code 37.006 (removal) or 37.007 (expulsion). [See FOC and FOD] *Education Code 37.002(d)*

Routine Referral

A teacher may send a student to the campus behavior coordinator's (CBC) office to maintain effective discipline in the classroom. The CBC shall respond by employing appropriate discipline management techniques, consistent with the Student Code of Conduct that can reasonably be expected to improve the student's behavior before returning the student to the classroom. If the student's behavior does not improve, the CBC shall employ alternative discipline management techniques, including any progressive interventions designated as the responsibility of the CBC in the Student Code of Conduct. *Education Code 37.002(a)* [See FO]

Discretionary Removal

A teacher may remove from class a student who:

1. Repeatedly interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to learn;
2. Demonstrates behavior that is unruly, disruptive, or abusive toward the teacher, another adult, or another student; or
3. Engages in conduct that constitutes bullying, as defined by Education Code 37.0832 [see FFI].

Education Code 37.002(b)

Subject to requirements related to teaching and discussing certain debated and controversial topics under Education Code 28.0022(a)(2) and (d) [see EMB], a teacher may remove a student from class based on a single incident of behavior described above. *Education Code 37.002(b-3)*

Reporting Classroom Removals

A student who is sent to the campus behavior coordinator's or other administrator's office under a routine referral or a discretionary removal, as described above, is not considered to have been removed from the classroom for the purposes of reporting data through the Public Education Information Management System (PEIMS) or other similar reports required by state or federal law. *Education Code 37.002(e)*

[See DNA for information about teacher evaluations and disciplinary referrals.]

A teacher, campus behavior coordinator, or other appropriate administrator shall notify a parent of a student of the removal of a student from class described above. *Education Code 37.002(b-2)*

Placement of Student

If a teacher removes a student from class under the provisions above, the principal may place the student in another appropriate classroom, in-school suspension, or DAEP [see FOC]. *Education Code 37.002(c)*

Conference by Third Day Required

Not later than the third class day after the day on which a student is removed from class by the teacher under the above provision or by the school principal or other appropriate administrator under the Student Code of Conduct, the campus behavior coordinator or other appropriate administrator shall schedule a conference among the campus behavior coordinator or other appropriate administrator, a parent or guardian of the student, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular classroom pending the conference. Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the campus behavior coordinator, after consideration of the mitigating factors (see below), shall order the placement of the student for a period consistent with the Student Code of Conduct. *Education Code 37.009(a)*

Appeals

Appeal of Removal

A student may appeal the student's removal from class described above to:

1. The school's placement review committee [see Placement Review Committee, below]; or
2. The campus's threat assessment and safe and supportive school team, in accordance with a district policy providing for such an appeal to be made to the team.

Education Code 37.002(e-1)

No Appeal of Board Decision

If district policy allows a student to appeal to the board or the board's designee, a decision of the campus behavior coordinator or other appropriate administrator, other than an expulsion under Section 37.007, the decision of the board or the board's designee is final and may not be appealed. *Education Code 37.009(a)*

Placement Length

The period of the placement may not exceed one year unless, after a review, the district determines that the student is a threat to the safety of other students or to district employees. The student may

not be returned to the regular class pending the required conference. *Education Code 37.009(a)*

Mitigating Factors

The CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct. *Education Code 37.009(a)*

[See Student Code of Conduct, item 4, at FO(LEGAL) for mitigating factors.]

Prohibitions on Activities

The terms of the removal may prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.002(c)*

Note: A power granted to a campus principal under Education Code Chapter 37, Subchapter A may be exercised by the CBC.

Return to Class

The principal may not return the student to the class of the teacher who removed the student without the teacher's written consent, unless the placement review committee determines that such placement is the best or only alternative available and, not later than the third class day after the day on which the student was removed from class, a conference in which the teacher has been provided an opportunity to participate has been held. [See Conference by Third Day Required, above]

Return to Class Plan

The principal may not return the student to that teacher's class unless the teacher provides written consent for the student's return or a return to class plan has been prepared for that student. The principal may only designate an employee of the school whose primary duties do not include classroom instruction to create a return to class plan. A return to class plan must be created before or at the conference described by that subsection. A plan created before the conference must be discussed at the conference.

The commissioner of education shall adopt a model return to class plan for use by a district in creating a return to class plan for a student.

Education Code 37.002(c), (c-1), (c-2)

Return After Assault

If the teacher removed the student from class because the student engaged in the elements of an offense listed in Education Code 37.007(a)(2)(A) or (a)(4) (assault, sexual assault, assault against a district employee or volunteer) against the teacher, the student

may not be returned to the teacher's class without the teacher's written consent. The teacher may not be coerced to consent.

Education Code 37.002(c), (d)

Placement Review Committee

Each school shall establish a three-member committee to determine the placement of a student when a teacher refuses the return of a student to the teacher's class. The committee shall make recommendations to the district regarding readmission of expelled students.

Composition

Committee members shall be appointed as follows:

1. Campus faculty shall choose two teachers to serve as members and one teacher to serve as an alternate member; and
2. The principal shall choose one member from the professional staff of a campus.

The teacher refusing to readmit the student may not serve on the committee.

Education Code 37.003

Right to Appeal

The principal, campus behavior coordinator, or other appropriate administrator shall notify a student who has been removed from class and the student's parent of the student's right to appeal the decision of the committee. [See Appeals, above] *Education Code 37.002(f-1)*

Removal by School Bus Driver

The driver of a school bus transporting students to or from school or a school-sponsored or school-related activity may send a student to the principal's office to maintain effective discipline on the school bus.

The principal shall respond by employing appropriate discipline management techniques consistent with the Student Code of Conduct.

Education Code 37.0022

Note: See FOF for provisions concerning students with disabilities.

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Applicability of Criminal Laws

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

Trespass

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

Refusal of Entry or Ejection of Unauthorized Persons

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and, except as provided below:
    a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
    b. The person persists in that behavior.

The verbal warning and person’s persistence in the behavior described at item 2 are not required for a person serving as a referee, judge, or other official of an extracurricular athletic activity or competition sponsored or sanctioned by the school district or the University Interscholastic League to eject a spectator from the extracurricular athletic activity or competition.

Identification may be required of any person on property under the district’s control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district’s property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child’s admission, review, and dismissal committee or in the child’s team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person's refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district's existing grievance process [see FNG, GF] to permit a person refused entry to or ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Education Code 7.057.

Education Code 37.105; 19 TAC 103.1207

[For information on visitor requirements, including requesting identification, see GKC.]

Vehicles on School Property

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

Disruption of Lawful Assembly

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;

2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;

3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;

4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or

5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

Disruption of Classes

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.

2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.

3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.

4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

Disruption of Transportation

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

Tobacco and E-Cigarettes

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

Smoking in Buildings

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7973*

Criminal Penalty

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

Defense

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed $500.

Facilities for Extinguishment

A district shall be equipped with facilities for extinguishment of smoking materials.

Penal Code 48.01(a)-(c)

Alcohol

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

Intoxicants

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

Education Code 37.122 [See also FNCF]

Fireworks

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

Federal Gun-Free School Zones Act

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"School zone" means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;

3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or

4. By a law enforcement officer acting in his or her official capacity.

18 U.S.C. 921(a)(25), .922(q)

Possession of Weapons

Unless entitled to a defense or otherwise excepted by Penal Code 46.15, a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. On the premises of a school, on any grounds or building owned by and under the control of a school and on which an activity sponsored by the school is being conducted, or in a passenger transportation vehicle of a school, unless pursuant to written regulations or written authorization of the school;

2. On the premises of a polling place on the day of an election or while early voting is in progress;

3. On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event;

4. In the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the OMA, and the entity provided required notice of the meeting.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03(a)(1), (2), (8), (14), (f)

"Premises" Defined

"Premises," for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4)*

Notice to Public

A district may provide notice that firearms and other weapons are prohibited under Penal Code 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

1. Includes language that is identical to or substantially similar to the following: "Pursuant to Section 46.03, Penal Code (places

weapons prohibited), a person may not carry a firearm or other weapon on this property";

2. Includes the language described above in both English and Spanish;

3. Appears in contrasting colors with block letters at least one inch in height; and

4. Is displayed in a conspicuous manner clearly visible to the public.

Without a sign described above posted prominently at each entrance to the premises or other property, as applicable, a person can assert a defense to prosecution for unlawfully carrying a handgun if the person personally received notice that carrying a firearm was prohibited and promptly departed from the premises or other property.

Penal Code 46.15(m)-(o)

Transportation or Storage of Firearm in School Parking Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law.

Education Code 37.0815

Volunteer Emergency Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

"Volunteer emergency services personnel" includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined by Occupations Code 1701.001, who is performing law enforcement duties.

Civ. Prac. & Rem. Code 112.001; Penal Code 46.01(18)

Exhibition of Firearm

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
    a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
    b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

Education Code 37.125

Trespass — Concealed Carry of Handgun

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

Notice / Sign — Concealed Carry of Handgun

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication" means:

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.06 [See also FNCG]

Unauthorized Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or other law. *Gov't Code 411.209*

Trespass — Open Carry of Handgun

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and

2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign — Open Carry of Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication means":

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code

(trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.07

Unmanned Aircraft Systems

Note: For provisions applicable to the use of drones for law enforcement purposes, see CKEA

Federal Law

The U.S. Government has exclusive sovereignty of airspace of the United States. *49 U.S.C. 40103*

Small Unmanned Aircraft

"Small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small Unmanned Aircraft System

"Small unmanned aircraft system" (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

14 C.F.R. 1.1, 107.3

Operation of Small UAS

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;

2. Any aircraft subject to the provisions of 49 U.S.C. 44809;

3. Any operation that the holder of an exemption under section 333 of Public Law 112-95 or 49 U.S.C. 44807 elects to conduct pursuant to the exemption, unless otherwise specified in the exemption; or

4. Any operation that a person elects to conduct under 14 C.F.R. Part 91 with a small UAS that has been issued an airworthiness certificate.

14 C.F.R. 107.1

Exception for Limited Recreational Operation

A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration (FAA) if the operation adheres to all of the following limitations:

1. The aircraft is flown strictly for recreational purposes.

2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.

3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.

4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.

5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.

6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.

7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.

8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

49 U.S.C. 44809(a)

State Law

Regulation Limited

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or other similar measure that violates this provision is void and unenforceable. *Gov't Code 423.009(b), (d)*

Exception

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

1. The use of an unmanned aircraft during a special event;
2. The political subdivision's use of an unmanned aircraft; or
3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:
    a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and
    b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

"Special event" means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

Gov't Code 423.009(a)(2), (c)

Privacy Law

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

Gov't Code 423.002(a)

Prohibited Acts

An officer or employee of a district who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the district;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the district;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civ. Prac. & Rem. Code 106.001(a)

Right to Preserve Use

A district, like a private property owner, may legally preserve the property under its control for the use to which it is dedicated. *Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993)*

Forum for Communication

A district may create a public forum of a place or channel of communication for use by the public at large for assembly and speech, for use by certain speakers, or for the discussion of certain subjects. *Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37 (1983); Chiu v. Plano Indep. Sch. Dist., 260 F.3d 330 (5th Cir. 2001)*

A district is not required to allow persons to engage in every type of speech when the district establishes a limited public forum; the district may be justified in reserving its forum for certain groups or for the discussion of certain topics. A district shall not discriminate against speech on the basis of viewpoint, and any restriction must be reasonable in light of the purpose served by the forum. *Good News Club v. Milford Cent. Sch., 533 U.S. 98 (2001); Lamb's Chapel v. Center Moriches Union Free Sch. Dist., 508 U.S. 384 (1993)*

Fees for Use

The board may set and collect rentals, rates, and charges from students and others for the occupancy or use of any of a district's facilities, in the amounts and manner determined by the board. *Education Code 45.033*

Charter Schools

A district may not require a campus or campus program charter that is the result of the conversion of the status of an existing district campus to pay rent for or to purchase a facility in order to use the facility.

A district may not require a campus or campus program charter, or an open-enrollment charter school, to pay for any service provided

by the district under a contract between the district and the campus, campus program, or open-enrollment charter school an amount that is greater than the amount of the actual costs to the district of providing the service.

Education Code 11.1543

Patriotic Societies

If a district has a designated open forum or a limited public forum and receives funds made available through the United States Department of Education, the district shall not deny equal access or a fair opportunity to meet, or to discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed as a patriotic society.

The United States secretary of education may issue and secure compliance with rules or orders with respect to a district that receives federal funds and that denies equal access, or a fair opportunity to meet, or discriminates, as described above. If a district does not comply with the rules or orders, no funds made available through the Department of Education shall be provided to that district.

[For provisions related to a patriotic society's access to students, see GKE.]

'Youth Group'

"Youth group" means any group or organization intended to serve young people under the age of 21.

Limited Public Forum

For purposes of this policy regarding Patriotic Societies, an elementary school or secondary school has a limited public forum whenever the school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

Sponsorship

Nothing in this policy shall be construed to require a district to sponsor any group officially affiliated with the Boy Scouts of America, or any youth group listed as a patriotic society.

Boy Scouts of America Equal Access Act, 20 U.S.C. 7905

Facilities as Polling Places

A district shall make its buildings available for use as polling places in any election that covers territory in which the buildings are located. If more than one authority requests the use of the buildings

for the same day and simultaneous use is impractical, a district shall determine which authority may use the building. *Election Code 43.031(c)*

No charge, including a charge for personnel, utilities, or other expenses incurred before or after regular business hours, shall be made for the use of a district building for a polling place if the day of the election is a day on which the building is normally open. If the day of an election is a day on which the building is not normally open, a charge may be made only for the reimbursement of actual expenses resulting from use of the building in the election. *Election Code 43.033(a)*

[For provisions related to polling place security, see CKC.]

Political Party Conventions

A district shall not assess a charge for the use of a school building for a precinct, county, or senatorial district convention, except for reimbursement for the actual charges resulting from use of the building for the convention. The district shall provide an itemized statement of expenses to the reimbursing authority. *Election Code 174.0631*

Facilities Use by Religious Organizations

A district may allow a religious organization to use the district's facilities to host religious worship, services, sermons, or assemblies only if:

Use of District Facilities

1. The use of the facilities does not interfere with the district's primary educational mission;
2. The religious organization provides the fair market rental value or reimbursement for utilities, security, and other costs related to the use of the facilities as determined by the board of the district unless waived by the board;
3. The religious organization agrees to be held liable for any damages that occur in the organization's use of the facilities;
4. The religious organization is subject to the same rental terms for the use of the facilities that a nonreligious organization would be subjected to for that use; and
5. Any additional requirements imposed by other law for the use of the facilities are satisfied.

Interference with Primary Educational Mission

A religious organization's use of a district's facilities interferes with the district's primary educational mission if:

1. The organization engages in religious worship, services, sermons, or assemblies during regular school hours;

2. The organization displays signage, symbols, books, or flyers on the district's property during any period other than the period in which the district allows the organization to use the district's facilities; or

3. The district or an employee of the district promotes the organization's use of the facilities in any manner, including by distributing information or making an announcement regarding the organization or use or including the organization's religious worship, services, sermons, or assemblies on an academic calendar.

No Penalty or Sanction

A state agency, political subdivision, school district, or other governmental entity may not impose a penalty or sanction on or deny funding to a school district based on the district's decision to allow a religious organization to use the district's facilities in the manner provided above.

Interpretation

Education Code 11.173 may not be construed to require a district to allow a religious organization to use the district's facilities for religious purposes if the district elects not to do so.

Education Code 11.173

Requirements of Governmental Entities

Definitions

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

"Governmental entity" includes a political subdivision of this state, including a county, municipality, or special district or authority or an officer, employee, or agent of the entity.

"Person" has the meaning assigned by Government Code 311.005, except the term does not include an employee of a governmental entity acting within the employee's scope of employment or a contractor of a governmental entity acting within the scope of the contract.

"Place of worship" means a building or grounds where religious activities are conducted.

"Public official" means any elected or appointed officer, employee, or agent of this state or any political subdivision, board, commission, bureau, or other public body established by law.

"Religious organization" means an organization open to the public that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Prohibition on Orders Closing Places of Worship

A government agency or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.

Essential Activities

Notwithstanding any other law, a religious organization is an essential business at all times in this state, including during a declared state of disaster, and the organization's religious and other related activities are essential activities even if the activities are not listed as essential in an order issued during the disaster.

A governmental entity may not at any time, including during a declared state of disaster, prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's foundational faith-based mission and purpose or during a declared state of disaster order a religious organization to close or otherwise alter the organization's purposes or activities.

Relief Available

A person may assert a violation of this prohibition as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief; declaratory relief; and court costs and reasonable attorney's fees.

A person may commence an action and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies.

The attorney general may bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with this provision.

Interpretation

This provision may not be construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.

This provision may not be construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.

Civ. Prac. & Rem. Code 110.001(a), .0031; Gov't Code 2401.001-.005

Facilities

Dual Usage Educational Complex

A district may enter into a cooperative agreement with a community college district regarding a dual usage educational complex, provided the district is located in whole or in part in the service area of the college district. The college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the parties under the terms of the cooperative agreement. *Education Code 130.0103*

Instructional or Athletic Facility

A district and an institution of higher education may contract for the design or construction of an instructional facility or athletic facility in accordance with Education Code 45.109. *Education Code 45.109* [See CX]

College Courses in District Facilities

If a district is located in a county contiguous to, but not part of, a community college district, a board may enter into a contract with the community college district for the community college to hold college courses in a district's facilities. The contract shall be approved by board resolution. Either party may terminate the contract by giving the other party at least one year's written notice. *Education Code 130.006*

District Courses on Higher Education Campus

A board may operate a school or program or hold a class on the campus of an institution of higher education in this state if the board obtains written consent from the president or other chief executive officer of the institution, regardless of whether the institution is located within the boundaries of the district. *Education Code 11.166*

[For information related to instructional partnerships with community college districts, see EHDD.]

Dropout Recovery Program

A school district may enter into an articulation agreement to partner with the public junior college district in which the school district is located to provide on the campus of the college a dropout recovery program for students to successfully complete and receive a diploma from a high school of the school district. *Education Code 29.402(a)*

A district located wholly or partly in a county with a population of more than three million may enter into an articulation agreement with any public junior college with a service area located wholly or partly in a county with a population of more than three million. *Education Code 29.402(a-1)*

The program must meet the requirements at Education Code 29.402(c) and 29.081(e), (f). *Education Code 29.402(c), (d)*

Student Eligibility

A person is eligible to enroll in the dropout recovery program if the person:

1. Is under 26 years of age;
2. Must complete not more than three course credits to complete the curriculum requirements for the foundation high school program, as appropriate, for high school graduation; or
3. Has failed to perform satisfactorily on an end-of-course assessment instrument under Education Code 39.023(c), or an assessment instrument under Education Code 39.023(c) as that section existed before 2007. [See EKB]

Education Code 29.402(b)

Funding

A school district shall pay the college district a negotiated amount for each student from the school district enrolled in the dropout recovery program. The negotiated amount shall not exceed the total average per student funding amount in that school district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund. *Education Code 29.403(a)*

A student who is enrolled in a dropout recovery program is included in determining the average daily attendance of the school district. *Education Code 29.403(b)*

Regular Meeting

Wednesday, May 13, 2026 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

Eduardo Chavez:	Present
Monica Chavez:	Present
Myrna Hernandez:	Present
Sandra Licon:	Absent
Axel Lopez:	Present
Lorenzo Luevano:	Present
Alexis Tellez:	Present

Dr. Jeannie Meza-Chavez, Superintendent, was also in attendance.

1.C. Establish Quorum

1.D. The Pledge of Allegiance

1.E. Texas Pledge of Allegiance

1.F. **San Elizario ISD Mission Statement**
The mission of the San Elizario Independent School District is to graduate students with innovative skills for 21st-century careers by focusing on academic and social skills, fostering transformative practices, and building community support through positive relationships between home and school.

2. **OPEN FORUM** (three-minute limit per speaker, unless otherwise noted)

3. **DISTRICT RECOGNITIONS**

3.A. Ann M. Garcia-Enriquez Middle School Do the Write Thing Finalists

Mr. Richard Salcido recognized Ann M. Garcia-Enriquez Middle School Do the Write Thing Finalists.

3.B. Ann M. Garcia-Enriquez Middle School Varsity Band — Division 1 Rating — UIL On Stage Contest

Mr. Alexander Corona recognized Ann M. Garcia-Enriquez Middle School Varsity Band for attaining a Division 1 Rating in the UIL On Stage Contest.

3.C. San Elizario High School Speech and Debate Humorous Interpretation National Tournament Qualifier — Matias Lopez

Mr. Troy Enriquez recognized Matias Lopez as a San Elizario High School Speech and Debate Humorous Interpretation National Tournament Qualifier.

3.D. Earth Day Celebration Logo — Lizbeth Cigarroa

Ms. Sandra Sanchez recognized Lizbeth Cigarroa for creating the Earth Day Celebration Logo.

3.E. San Elizario High School National Technical Honor Society Chapter — 2nd Place - 2026 BBB Student Video Contest

Ms. Sandra Sanchez recognized the San Elizario High School National Technical Honor Society Chapter for attaining 2nd Place in the 2026 BBB Student Video Contest.

3.F. Recognition of San Elizario High School Career & Technology Education Students

3.F.1. Skills USA State Champions

Ms. Sandra Sanchez recognized Skills USA State Champions.

3.F.2. Business Professionals of America State Competition — Advanced Desktop Publishing — Gaviota Arias — State Champion

Ms. Sandra Sanchez recognized Gaviota Arias for attaining a state championship in Advance Desktop Publishing in the Business Professionals of America State Competition.

3.F.3. Patient Care Technician Certification

Ms. Sandra Sanchez recognized students who attained the Patient Care Technician Certification.

3.F.4. Automotive Service Excellence Brakes Certification

Ms. Sandra Sanchez recognized students who attained the Automotive Service Excellence Brakes Certification.

3.F.5. Autodesk Fusion 360 Certification

Ms. Sandra Sanchez recognized students who attained the Autodesk Fusion 360 Certification.

3.G. Farm Fresh Challenge — Cream of the Crop Award Recipient — Child Nutrition Services

Dr. Jeannie Meza-Chavez and Ms. Aggie Reyes recognized Child Nutrition Services department at each campus for attaining the Farm Fresh Challenge Cream of the Crop Award.

3.H. Recognition of Teacher and Employee of the Month for Josefa L. Sambrano Elementary School

3.H.1. Ms. Corina Garcia - Teacher of the Month

Ms. Susana Frescas recognized Ms. Corina Garcia as Teacher of the Month for Josefa L. Sambrano Elementary School.

3.H.2. Ms. Ashley Garcia - Employee of the Month

Ms. Susana Frescas recognized Ms. Ashley Garcia as Employee of the Month for Josefa L. Sambrano Elementary School.

3.I. Recognition of Induction into the El Paso Athletic Hall of Fame — Mr. Cesar Morales

Dr. Jeannie Meza-Chavez recognized Mr. Cesar Morales for being inducted into the El Paso Athletic Hall of Fame which will take place in June 2026.

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

4.A. Student Outcome Goals

4.A.1. Josefa L. Sambrano Elementary School - Monitoring Student Progress

Ms. Susana Frescas and the Josefa L. Sambrano Elementary School Leadership team presented their campus Monitoring Student Progress.

Dr. Jeannie Meza-Chavez asked what support has been provided by the Curriculum & Instruction Team.

Ms. Susana Frescas explained the Curriculum & Instruction team has provided excellent support. Parent support is also needed for student success.

Mr. Lorenzo Luevano stated parent input is important for student success.

Ms. Susana Frescas stated they share campus student activities with parents, so they are aware of what is being done to promote student learning.

Ms. Alexis Tellez asked for clarification on color coding of mClass results.

Ms. Susana Frescas provided the color-coding meaning.

Ms. Alexis Tellez asked what is the difference from K to 1st grade to 2nd grade. Why is 1st grade showing more improvement than the other two grade levels?

Ms. Sandate provided the thresholds for the mClass test.

Ms. Alexis Tellez provided feedback: she asked to provide specific Emergent Bilingual and Special Education Students results.

Mr. Eduardo Chavez asked why mClass shows little to no Growth.

Ms. Sandate explained mClass thresholds change from Beginning of Year to Middle of Year to End of Year. The threshold increases with every test. Some students are not able to meet thresholds due to time constraints or because they have not completely learned it.

Dr. Jeannie Meza-Chavez asked Dr. Blanca Cruz to provide information on the upcoming intervention plan.

Dr. Blanca Cruz explained the intervention plan will be revamped to better serve students depending on their needs.

Ms. Myrna Hernandez asked if high student volume class contributes to low test scores.

Ms. Susana Frescas stated it is challenging.

Ms. Myrna Hernandez asked how can strategies be provided to students who are struggling.

Dr. Blanca Cruz stated small group instruction has been effective. Training to effectively provide support to struggling students is being planned.

Ms. Myrna Hernandez asked how many students are in each classroom.

Dr. Blanca Cruz stated the cap for each classroom is 24 students but there are several classes that are under that cap.

Ms. Myrna Hernandez asked if an after-school event for a Thanksgiving luncheon or Kinder graduation be effective for the campus.

Ms. Susana Frescas stated an after-school event could be feasible and will help with instructional time. When there is an event at the campus, parents usually like to take students home right after.

Dr. Jeannie Meza-Chavez stated event will be scheduled to reduce impact on instructional time.

4.B. Discussion and possible Board action on authorization to explore a plan to transition Ann M. Garcia-Enriquez Middle School into the San Elizario High School Building

Dr. Jeannie Meza-Chavez read the memo attached to the agenda item to ask for authorization to explore a plan to transition Ann M. Garcia-Enriquez Middle School into the San Elizario High School Building.

Mr. Jesus Martinez explained the Lift station and sewer infrastructure functionality at Ann M. Garcia-Enriquez Middle School.

Dr. Jeannie Meza-Chavez stated the San Elizario High School building would be at 71% capacity if Ann M. Garcia-Enriquez Middle School would be moved into San Elizario High School.

Mr. Eduardo Chavez stated staff will not be affected.

Mr. Eduardo Chavez asked how many SROs would be needed if the Middle School is housed at San Elizario High School.

Mr. Jesus Martinez stated only one SRO would be needed because both campuses are housed in one building.

Mr. Eduardo Chavez stated the exploratory plan is a good idea to start.

Ms. Myrna Hernandez asked how the traffic would affect the community.

Dr. Jeannie Meza-Chavez stated San Elizario High School Enrollment was higher in years back and traffic was feasible.

Ms. Myrna Hernandez brought the risk of students being withdrawn because Middle School students are housed along with High School Students.

Dr. Jeannie Meza-Chavez would like to set up conversations with current 7th grade and 6th grade parents regarding this plan.

Mr. Lorenzo Luevano asked for the exploratory options to include how the instructional alignment will be structured so both campuses can help each other out.

Mr. Lorenzo Luevano stated the City of San Elizario will have an agenda meeting regarding development and encouraged community members and employees to attend the meeting.

Mr. Eduardo Chavez also encouraged community and district employees to attend the City of San Elizario Meeting.

Motion to authorize the administration to explore a plan to transition Ann M. Garcia-Enriquez Middle School into the San Elizario High School Building.

This motion, made by Myrna Hernandez and seconded by Lorenzo Luevano, Passed.

Eduardo Chavez:	Yea
Monica Chavez:	Yea
Myrna Hernandez:	Yea
Sandra Licon:	Absent
Axel Lopez:	Yea
Lorenzo Luevano:	Yea

Alexis Tellez: Yea
Yea: 6, Nay: 0, Absent: 1

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

Motion to approve the consent agenda as presented.

This motion, made by Alexis Tellez and seconded by Monica Chavez, Passed.

Eduardo Chavez:	Yea
Monica Chavez:	Yea
Myrna Hernandez:	Yea
Sandra Licon:	Absent
Axel Lopez:	Yea
Lorenzo Luevano:	Yea
Alexis Tellez:	Yea

Yea: 6, Nay: 0, Absent: 1

5.A. Financial Reports

5.A.1. Tax Report

5.A.2. Financial Statements

5.A.3. Investment Report

5.A.4. Budget Amendment

5.A.5. Purchases exceeding $25,000.00

5.A.5.a. Dell Marketing — $456,381.20

5.B. Consider and possible Board action on the Special Education Instructional Officer Position

5.C. Consider and possible Board action to approve the 2026 Summer School Instructional Schedule

5.D. Consider and possible Board action to approve contract between the San Elizario Independent School District and Communities in Schools of El Paso, Inc.

5.E. Consider and possible Board action to approve the ESC Region 19 Agreement for Migrant Education Program Shared Services Arrangement

5.F. Consider and possible Board action to approve the Resolution in Support of School Communicators Day

5.G. Consider and possible Board action to approve Engagement Letter with Gibson, Ruddock, Patterson LLC for Financial Audit for Fiscal Year Ending June 30, 2026

5.H. Consider approval of minutes for the following:

5.H.1. April 8, 2026 - Regular Board Meeting

5.I. 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.I.1. Technology Department

5.I.2. Support Services Department

6. **PRESENTATION / REPORTS / INFORMATION**

6.A. Presentations

6.A.1. HB2 - Special Education Funding Update
Mr. Richard Salcido presented the HB2 - Special Education Funding Update.

No questions asked.

6.B. Reports

6.B.1. Goal Progress Monitoring

6.B.1.a. GPM 2.3 - Grade 3 Reading Growth

6.B.2. Meal Service Update

6.C. Information

6.C.1. Enrollment Update

6.C.2. Farm Fresh Student Engagement Grant Recipient — Child Nutrition Services

6.C.3. Board Training
Ms. Alexis Tellez advised the Board LAC has made her a delegate and would need to the conference on June 11.

Dr. Jeannie Meza-Chavez stated agenda item will be added to the May 20, 2026, meeting for Board consideration.

6.C.3.a. 2026 MASBA Conference — September 10 to 11, 2026 | San Antonio, TX

6.C.3.b. TASA | TASB Convention txEDCON26 - October 8 to 11, 2026 | Houston, TX

7. **EXECUTIVE SESSION**
The Board entered into a closed meeting at **8:09 pm** 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:

7.A. Discussion regarding Superintendent Support Plan

7.B. Discussion on renewal of employee contracts for 2026 - 2027 school year for the following:

7.B.1. Probationary Contracts

7.B.2. Term Contracts

7.B.3. Certified Administrators

7.B.4. Non - Certified Administrators

7.C. Discussion regarding proposed Non-Renewal of Term Contract Employee

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 **9:17 p.m.** to take possible action on the matters discussed in Executive Session.

8.A. Discussion and possible Board action on Superintendent Support Plan

Motion to approve the Superintendent Support Plan.

This motion made by Myrna Hernandez and seconded by Axel Lopez, passed.

Eduardo Chavez:	Yea
Monica Chavez:	Yea
Myrna Hernandez:	Yea
Sandra Licon:	Absent
Axel Lopez:	Yea
Lorenzo Luevano:	Yea
Alexis Tellez:	Yea

Yea: 6, Nay: 0, Absent: 1

8.B. Discussion and possible Board action of renewal on employee contracts for the 2026 - 2027 school year for the following:

Motion to approve renewal on employee contracts for the 2026 - 2027 school year.

This motion made by Alexis Tellez and seconded by Monica Chavez, passed.

Eduardo Chavez: Yea

Monica Chavez: Yea
Myrna Hernandez: Yea
Sandra Licon: Absent
Axel Lopez: Yea
Lorenzo Luevano: Yea
Alexis Tellez: Yea
Yea: 6, Nay: 0, Absent: 1

8.B.1. Probationary Contracts

8.B.2. Term Contracts

8.B.3. Certified Administrators

8.B.4. Non - Certified Administrators

8.C. Discussion and possible Board action regarding proposed Non-Renewal of Term Contract Employee and authorize Superintendent to send notice to affected employee

No action on this item.

9. **NEXT MEETING DATE:**
Wednesday, May 20, 2026, Quarterly Meeting #1: Board Budget & Instruction Workshop at 5:30 p.m.
Wednesday, June 10, 2026, Regular Board Meeting at 5:30 p.m.
Wednesday, June 17, 2026, Board Budget Adoption Meeting at 5:30 p.m.

10. **ADJOURNMENT**

Motion to adjourn meeting at **9:21 p.m.**

This motion made by Myrna Hernandez and seconded by Alexis Tellez, passed.

Eduardo Chavez: Yea
Monica Chavez: Yea
Myrna Hernandez: Yea
Sandra Licon: Absent
Axel Lopez: Yea
Lorenzo Luevano: Yea
Alexis Tellez: Yea
Yea: 6, Nay: 0, Absent: 1

_____
Board President

_____
Board Secretary

AMENDED - Special Meeting - Quarterly Meeting #1: Board Budget & Instruction Workshop

Wednesday, May 20, 2026 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

Eduardo Chavez:	Present
Monica Chavez:	Absent
Myrna Hernandez:	Present
Sandra Licon:	Present
Axel Lopez:	Absent
Lorenzo Luevano:	Present
Alexis Tellez:	Present

Dr. Jeannie Meza-Chavez, Superintendent, was also in attendance.

1.C. Establish Quorum

1.D. The Pledge of Allegiance

1.E. Texas Pledge of Allegiance

1.F. **San Elizario ISD Mission Statement**
The mission of the San Elizario Independent School District is to graduate students with innovative skills for 21st-century careers by focusing on academic and social skills, fostering transformative practices, and building community support through positive relationships between home and school.

2. **OPEN FORUM** (three-minute limit per speaker, unless otherwise noted)

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

3.A. Discussion and possible Board action to approve Trustee Alexis Tellez to attend TASB SLI Convention

Motion to approve Trustee Alexis Tellez to attend TASB SLI Convention.

This motion, made by Myrna Hernandez and seconded by Sandra Licon, Passed.

Eduardo Chavez:	Yea
Monica Chavez:	Absent
Myrna Hernandez:	Yea

Sandra Licon:	Yea
Axel Lopez:	Absent
Lorenzo Luevano:	Yea
Alexis Tellez:	Yea

Yea: 5, Nay: 0, Absent: 2

3.B. Quarterly Meeting #1: Discussion and purpose of Quarterly Meetings

Eduardo Chavez provided information on the newly implemented Quarterly Meetings.

Each board member provided feedback on what they would like to discuss during Quarterly Meetings.

Myrna Hernandez asked if the next grade level curriculum could be introduced to students at the end of each school year.

Dr. Blanca Cruz stated district is currently focusing on closing the gap before the school year ends due to students academics.

Dr. Jeannie Meza-Chavez stated contracts might need to change to include intersession, summer school, or summer programs.

3.C. Budget Workshop for the 2026 - 2027 Fiscal Year

Ms. Elizabeth Perez presented the Budget Workshop for the 2026-2027 Fiscal Year.

Dr. Jeannie Meza-Chavez explained the 4-day instructional week helped the district fill vacancies, but employee attrition has decreased.

Eduardo Chavez asked how much of the deficit is part of the previous Health Insurance plan.

Ms. Eliabeth Perez stated it's approximately $1M.

Dr. Jeannie Meza-Chavez stated the district is trying its best to be a good financial steward, and decisions need to be made to be financially sustainable in the future.

Mr. Eduardo Chavez stated that a discussion during upcoming meetings will be held regarding merging Garcia-Enriquez Middle School and San Elizario High School.

District Leadership and Board Members provided feedback on district savings and campus merging ideas.

Ms. Gina Ramirez presented the Human Resources part of the Budget Workshop for the 2026-2027 Fiscal Year.

Eduardo Chavez asked if a Health Fund Cost report for the last three years could be provided.

Lorenzo Luevano asked if administration could provide three options of campus consolidation based on district leadership comments.

Dr. Jeannie Meza-Chavez asked if any of the plans would be implemented for the upcoming school year or by 2027-2028.

Board members stated implementation would start in 2027-2028 to allow for community engagement sessions.

Myrna Hernandez asked District Leadership to provide cost-saving ideas.

3.C.1. Attachment #1

3.D. Board Instructional Workshop for the 2025-2026 School Year

3.D.1. Part 1 — District Priorities

Dr. Blanca Cruz introduced the instruction workshop and presented the district priorities.

3.D.2. Part 2 — Update: Secondary Math & Science

Ms. Eva Quezada presented the update for Secondary Math & Science.

3.D.3. Part 3 — Update: Secondary RLA

Ms. Anna Alvarez presented the update on Secondary RLA.

Mr. Lorenzo Luevano provided ideas on how social studies could be implemented with local history.

3.D.4. Part 4 — Update: Elementary Math & Science

Ms. Deborah Cortez presented the update for Elementary Math & Science.

3.D.5. Part 5 — Update: Elementary RLA

Ms. Leticia De Santos and Mr. Edgar

Ponce presented the update on Elementary RLA.

3.D.6. Part 6 — Update: Bilingual Program

Mr. Josue Palomino presented the update on the bilingual program.

3.D.7. Part 7 — Next Steps

Dr. Blanca Cruz presented the closing remarks.

Dr. Jeannie Meza-Chavez commended the Curriculum & Instruction Team for their continued work.

The Board took a break at 7:54 p.m.

The Board reconvened at 8:00 p.m.

4. **NEXT MEETING DATE:**
Wednesday, June 10, 2026, Regular Board Meeting at 5:30 p.m.
Wednesday, June 17, 2026, Special Board Meeting and Budget Adoption at 5:30 p.m.

5. **ADJOURNMENT**
Motion to adjourn meeting at 9:57 p.m.

This motion, made by Lorenzo Luevano and seconded by Alexis Tellez, Passed.

Eduardo Chavez:	Yea
Monica Chavez:	Absent
Myrna Hernandez:	Yea
Sandra Licon:	Yea
Axel Lopez:	Absent
Lorenzo Luevano:	Yea
Alexis Tellez:	Yea

Yea: 5, Nay: 0, Absent: 2

_____
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: Vicente Rodriguez, Executive Director of Technology
Subject: May 2026 Technology Fixed Asset Discard
Date: June 10, 2026

HISTORY:
Campus and Departments periodically replace obsolete or non-repairable technology items. To aid the campuses and departments in removing these items to maximize space, the Technology Department will submit monthly disposal lists for approval.

RATIONALE:
The District Technology Department has reviewed the items on the attached lists and concurs with campus/department(s) administration to dispose of or sell the listed items.

BUDGET:
There is no budget impact.

ADMINISTRATIVE RECOMMENDATION:
For the Board to declare the fixed assets listed as surplus and authorize the administration to sell or dispose of items by any reasonable means.

For Approval? ☒ Yes ☐ No
If no, please check one: ☐ Presentation ☐ Report ☐ Information
Please check if applicable: ☒ Attachment Included

Child Nutrition Services

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	Cafeteria	wireless phones	none	(3)	Do not hold charge
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
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27					
28					
29					
30					

Date: 4/29/24

Authorized Campus Signature _____

Page 1 of 1

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	cafeteria	Phone (black)	Panasonic PNLC1040	1 set(4)	It doesn't hold a charge.
2					
3					
4					
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29					
30					

Da 4/2/2026

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	Cafeteria	Computer	2600002224	1	Damaged
2	Cafeteria	Phones	N/A	4	Damaged
3	Cafeteria	Tablet	10120011183	1	Damaged
4					
5					
6					
7					
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Date: 4-28-26

Authorized Campus Signature _____

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, Research and Evaluation Administrator
Subject: HB 3 Goal Progress Monitoring—GPM 3.1—Meeting CCMR Criteria
Date: June 10, 2026

HISTORY:

Student Outcome Goal 3 is a 5-year goal that is measured annually. It is related to the A-F Accountability System and the College, Career, and Military Readiness (CCMR) point system. Prior to graduation, each senior is expected to earn one CCMR point via at least 1 of 11 different ways offered in San Elizario ISD. The board has created a goal for this purpose:

Goal 3
SEISD will increase the percentage of College, Career, and Military Readiness (CCMR) points earned annually by SEHS seniors from 30% in May 2023 to ≥88% by June 2028 as measured by the A-F Accountability System.

To measure our progress toward this annual goal, we examine Goal Progress Measure (GPM) 3.1.

GPM 3.1
The percentage of SEHS seniors earning a CCMR point by meeting any of the CCMR criteria will increase from 52% in May 2025 to ≥ 64% by June 2026, as measured by the OnData Suite CCMR Early Warning System along with an internal tracker used by the campus and CCMR specialist at the campus.

RATIONALE:

GPM 3.1 can be measured using the program OnData Suite and an internal campus tracker. This program provides CCMR data to help determine which students are not on track to earn a CCMR point prior to graduation. This data is used to target seniors who do not have a path to a CCMR point, so that we may intervene prior to graduation. Along with the OnData program, the campus uses their internal tracker to cross reference information and take appropriate action.

The CCMR indicator is a "lagging" indicator within the A-F Accountability System. This means it runs a year behind. Seniors from the class of 2025 will impact the 2026 accountability ratings.

This report provides the OnData Suite CCMR percentage for the 2025 seniors which will impact our upcoming accountability ratings. The percentage shows that **84% of the 2025** seniors have the CCMR point, or 215 out of 255 students. The target for 2025 was ≥52%, which is 32% above the CCMR secondary target according to the OnData Suite tracker.

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

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

ADMINISTRATIVE RECOMMENDATION: The administrative recommendation is to review the progress of the HB 3 Goal, GPM 3.1, regarding CCMR criteria.

For Approval? ☐ Yes ☒ No
If no, please check one: ☐ Presentation ☐ Report ☒ Information
Please check if applicable: ☐ Attachment Included

San Elizario ISD
P.O. Box 920
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MEMORANDUM

To: Members of the Board of Trustees
From: Ms. Aggie Reyes, Executive Director of Child Nutrition Services
Subject: May 2026 – Meal Service Update
Date: June 10, 2026

HISTORY: The Child Nutrition Services Department will provide a monthly report to the Members of the Board of Trustees.

RATIONALE: The Child Nutrition Services Department served 61,361 student meals in May This count includes breakfast, lunch, snacks, and supper meals.

Child Nutrition Services celebrated graduates from all grade levels with special meals and treats in the month of May.

We are grateful for the opportunity to serve the community of San Elizario for one more school year.

BUDGET IMPACT: No budget impact.

ADMINISTRATIVE RECOMMENDATION: No Recommendation

For Approval? ☐ Yes ☒ No
If no, please check one: ☐ Presentation ☒ Report ☐ Information
Please check if applicable: ☐ Attachment Included

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

#WeAreSomosSanEli

2026 - 2027 Quarterly Meetings Proposed Dates	
Wednesday, July 29, 2026, or Wednesday August 26, 2026	Quarterly Meeting #1
Wednesday, November 4, 2026	Quarterly Meeting #2
Wednesday, February 3, 2027	Quarterly Meeting #3
Wednesday, April 28, 2027, or Wednesday, May 5, 2027	Quarterly Meeting #4

- A Quarterly Meeting was held during the May 20, 2026, Special Meeting of the Board of Trustees titled "Quarterly Meeting #1: Board Budget & Instruction Workshop."

SAN ELIZARIO INDEPENDENT SCHOOL DISTRICT

#WeAreSomosSanEli

2026 - 2027 Board Meeting Dates	
July 2026	No Board Meeting
Wednesday, August 12, 2026	Regular Board Meeting
Tuesday, September 8, 2026	Regular Board Meeting *MASBA Sept 10 – 11 *Homecoming Parade (pending game schedule)
Wednesday, October 14, 2026	Regular Board Meeting *TASA|TASB txEDCON26 Oct 8 - 11
Wednesday, November 18, 2026	Regular Board Meeting *Veteran's Day
December 2026	No Board Meeting
Wednesday, January 13, 2027	Regular Board Meeting
Wednesday, February 10, 2027	Regular Board Meeting
Wednesday, March 3, 2027	Regular Board Meeting *Spring Intersession
Wednesday, April 14, 2027	Regular Board Meeting
Wednesday, May 12, 2027	Regular Board Meeting
Wednesday, May 19, 2027	Board Budget Workshop
Wednesday, June 9, 2027	Regular Board Meeting
Wednesday, June 16, 2027	Regular Board Meeting for Budget Adoption

Campus	EE	PK	KG	01	02	03	04	05	06	07	08	09	10	11	12	Enrolled	PY Enr	G/L	CTE	SPEC ED	LEP	GT	MIG
Borrego Elementary						117	144	145	118							524	519	5		110	320	39	2
L.G. Alarcon Elementary School						72	73	62	78							285	295	-10		52	178	26	3
Lorenzo Loya Primary	6	182														188	199	-11		39	113	0	0
Sambrano Elementary School			134	178	178											490	556	-66		119	305	20	2
Garcia-Enriquez Middle School										193	201					394	410	-16	103	67	229	54	8
San Elizario High School												212	221	229	235	897	963	-66	734	137	479	90	9
Grade Level Totals	6	182	134	178	178	189	217	207	196	193	201	212	221	229	235	2778	2942	-164	837	524	1624	229	24
Prior Year Grade Level Totals	31	168	165	195	196	211	204	203	196	210	200	226	278	209	250								
GL	-25	14	-31	-17	-18	-22	13	4		-17	1	-14	-57	20	-15								

MASBA
SCHOOL BOARD MEMBERS FOR LATINO EQUITY

Register Now

Already Registered?



Welcome!

With over **14 million Latino students across the nation**, it's crucial for school board members to be equipped with the knowledge and tools necessary to lead them to success.

Join us for an enriching and insightful experience, where we bring together educational leaders, policymakers, and advocates to explore innovative strategies and best practices in serving the needs of diverse student populations.
At our conference, attendees will have the opportunity to engage in dynamic discussions, participate in interactive workshops, and hear from renowned speakers who are passionate about advancing educational equity and excellence for Latino students.

TAKE A GLANCE AT OUR 2026 CONFERENCE AGENDA.

Event Details

WHEN

September 10th, 2026 (2 PM CDT) - September 11th, 2026 (10 PM CDT)

Add to Calendar

WHERE

The Westin Riverwalk, San Antonio
420 West Market Street
San Antonio, TX 78205-2920

Register Now

Have Questions?

Contact Us

Conference Countdown

Stay tuned as the countdown ticks away, marking the moments until we convene. Don't miss out!

196	20	8	14
Days	Hours	Minutes	Seconds

MASBA - School Board Members for Latino Equity, is a voluntary, non-profit education association that has served school boards since 1970. Our mission is to empower school board members to be culturally conscious leaders for the advancement of the Latino/Mexican American community. Our vision is an equitable public education system.

MASBA-School Board Members for Latino Equity

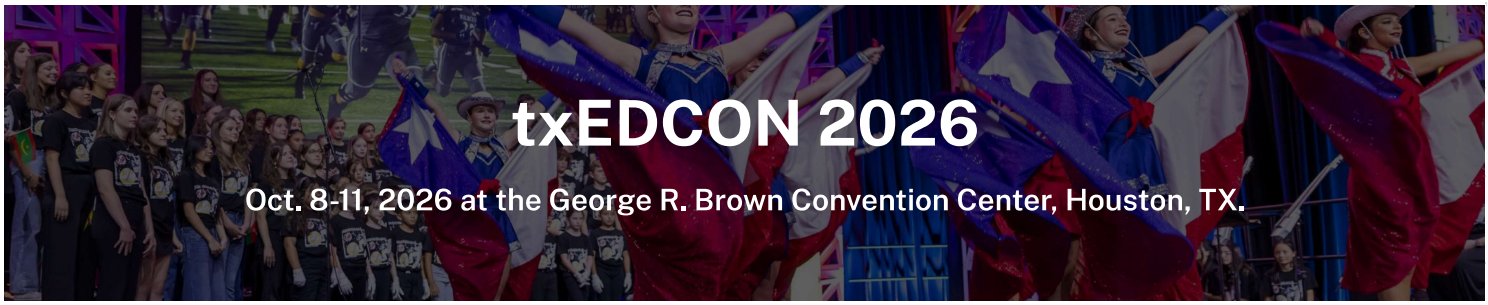
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