



**Waxahachie Independent School
District**
411 North Gibson Street
Waxahachie, TX 75165
972-923-4631
www.wisd.org

Regular Meeting and Public Hearing |
AGENDA
Monday, August 9, 2021
5:00 PM
Live Stream:
<https://www.youtube.com/waxahachieisd>

A Regular Meeting and Public Hearing of the Board of Trustees of Waxahachie Independent School District will be held Monday, August 9, 2021, beginning at 5:00 PM in the Waxahachie ISD Administration Building, 411 N. Gibson St., Waxahachie, TX 75165.

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

- I. CALL TO ORDER.
 - A. Announcement by the presiding officer that a quorum is present, that the meeting has been duly called, and that notice of the meeting has been duly posted for time and manner required by law.
- II. CLOSED SESSION. Section 551.001 et seq. (if necessary)
 - A. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, including discussing complaints, hiring, resignation, termination, proposal for non renewal, proposal for termination, evaluation, promotion or demotion of personnel. Gov't Code 551.074
 - B. Deliberating the purchase, exchange, lease or value of real property. Gov't Code 551.072
 - C. Deliberation regarding security devices, personnel deployment, or security audits. Gov't Code 551.076.
 - D. Consulting privately with the board's attorney concerning contemplated litigation. Gov't Code 551.071.
 - E. Discussion regarding the duties and responsibilities of School Board members. Gov't Code 551.074.
- III. RECONVENE TO OPEN SESSION.
 - A. Invocation and Pledges of Allegiance to the American and Texas Flags.
- IV. OPEN FORUM: Hearing of individuals or committees.**
- V. HUMAN RESOURCES.
 - A. Consideration and possible action to approve the 2021-2022 Compensation Plan. 4
 - B. Consideration and possible action to approve the list of T-TESS appraisers. 5
 - C. Consideration and possible action to approve the updated Stipend List. 6
 - D. Consideration and possible action to approve a request for new positions. 7
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C.	Consideration and action to approve a Memorandum of Understanding between Waxahachie ISD and Southwestern Assemblies of God University regarding the use of facilities, specifically including Lumpkins Stadium, Sheaffer Center, Hagee Communications Center and Garrison Wellness Center Pool during the 2021-2022 school year.	470
D.	Consideration with possible action to approve the 2021-2022 Dual Credit Partnership Agreement MOU between Navarro College and Waxahachie ISD.	475
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X.	ACTION ITEMS.	
A.	Consideration and possible action to approve delegate and alternate to the 2021 Delegate Assembly.	509
B.	Consideration and possible action to endorse a trustee to serve on the TASB Board for Region 10, Seat A.	510
XI.	ADJOURN.	

If, during the course of the meeting, a discussion of any item on the agenda should be held in a closed meeting, the board will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E or Texas Government Code section 418.183(f). Before any closed meeting is convened, the presiding officer will publicly identify the section or sections

of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting. [See BEC(LEGAL)]

Regular meetings of the Waxahachie ISD Board of Trustees begin at 5 p.m. To respect the time of those being recognized, recognitions will not begin before 6 p.m., and agenda items may be taken out of order to accommodate recognitions. Those being recognized are asked to arrive by 6 p.m.

*Audience participation is limited to the time allotted for those individuals who submit a Public Comment Card indicating the agenda or non-agenda topic they wish to address. At all other times during Board Meetings, the audience shall not enter into discussion or debate on matters being considered by the Board, unless requested by the presiding officer. Speaker presentation time will be set by the Board President at the Board dais. No action may be taken regarding the information received by the Board.

**In accordance with state law, public comment may not be used to voice a complaint involving the naming of specific individuals, including but not limited to the names of district employees or students, even if the matter is listed on the agenda. Additionally, no information that may be reasonably linked to an individual person may be spoken about during public comment. All complaints may be directed through the appropriate administrative channels before being presented to the Board:

Students/Parents – Board Policy FNG(LOCAL);
Employee – Board Policy DGBA(LOCAL); or,
Community Member – Board Policy GF(LOCAL).

This agenda (one or more pages) is part of a document entitled NOTICE OF MEETING in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551. The Waxahachie ISD Administration Building, Board Room, 411 North Gibson Street, Waxahachie, Texas, 75165 is wheelchair accessible. A curb slope entry is available at the rear entrance.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **Compensation Plan**

Presented by: **Monica James**

Action

Background:

Consideration to approve the compensation plan as presented.

Recommendation:

The Board is asked to approve the compensation plan as presented.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **T-Tess Appraisers**

Presented by: **Monica James**

Action

Background:

Consideration to approve T-Tess Appraisers as presented.

Recommendation:

The Board is asked to approve T-Tess Appraisers as presented.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **Updated Stipend List**

Presented by: **Monica James**

Action

Background:

Baseball, soccer, softball, track, and volleyball coaches will be receiving 3-5 extra days paid at \$150.00 per day to align with similarly situated surrounding districts with whom WISD competes with in staff hiring. The PE stipend is being reduced from \$3,000.00 to \$1,000.00 as the district is going from one to two stipends. Specific athletic game worker's pay is changing from a fixed amount to a pay range. Changes are highlighted on the documents attached.

Recommendation:

The Board is asked to approve updated stipend list as presented.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **Additional Positions**

Presented by: **Monica James**

Action

Background:

Consideration to approve the personnel report as recommended by the superintendent as presented that includes creation of new positions.

Recommendation:

The Board is asked to approve the report as presented.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **Recognitions**



Background:

We will recognize student and staff accomplishments.

Waxahachie ISD
BOARD OF TRUSTEES

Date: August 9, 2021

Subject: TASB Update 117

REPORTS

Background:

Lee Auvenshine will present a first review of TASB Board Policy Update 117, which incorporates changes recommended by TASB prior to the upcoming 2020-21 school year. It contains several changes to “Legal” policies, along with relatively few proposed changes to the district’s “Local” policies. Legal policies are restatements of the current law as it relates to Texas school districts generally. The Board will not be required to take any action regarding the changes to Legal policies, as TASB will automatically update the Legal policies to ensure that they reflect the current law.

Update 117 affects only the following local policies listed below:

CH(LOCAL): PURCHASING AND ACQUISITION
CV(LOCAL): FACILITIES CONSTRUCTION
DEC(LOCAL): COMPENSATION AND BENEFITS – LEAVES AND ABSENCES

Attached is the Local Policy Comparison Packet, along with Explanatory Notes and the full Update Packet prepared by TASB.

Explanatory Notes

TASB Localized Policy Manual Update 117

Waxahachie ISD

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

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

BBC(LEGAL)

BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE

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

BBD(EXHIBIT)

BOARD MEMBERS: TRAINING AND ORIENTATION

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

BJCE(LEGAL)

SUPERINTENDENT: SUSPENSION/TERMINATION DURING CONTRACT

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

C(LEGAL)

BUSINESS AND SUPPORT SERVICES

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

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

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

CH(LEGAL)

PURCHASING AND ACQUISITION

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

As part of the reorganization, we have:

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

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

CH(LOCAL)

PURCHASING AND ACQUISITION

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

Explanatory Notes

TASB Localized Policy Manual Update 117

Waxahachie ISD

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

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

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

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

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

CHE(LEGAL)

PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS

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

In addition, we have:

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

CL(LEGAL)

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

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

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

CV(LEGAL)

FACILITIES CONSTRUCTION

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

As part of the reorganization, we have:

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

CV(LOCAL)

FACILITIES CONSTRUCTION

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

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

Explanatory Notes

TASB Localized Policy Manual Update 117

Waxahachie ISD

CVA(LEGAL)

FACILITIES CONSTRUCTION: COMPETITIVE BIDDING

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

CVB(LEGAL)

FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

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

CVC(LEGAL)

FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AGENT

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

CVD(LEGAL)

FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AT-RISK

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

CVE(LEGAL)

FACILITIES CONSTRUCTION: DESIGN-BUILD

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

CVF(LEGAL)

FACILITIES CONSTRUCTION: JOB ORDER CONTRACTS

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

DEC(LOCAL)

COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

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

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

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

Other changes include:

- Adding a definition of *school year* that aligns with terminology in the TASB sample contracts and that provides context for references to the term elsewhere in the policy.

Explanatory Notes

TASB Localized Policy Manual Update 117

Waxahachie ISD

- Relocating provisions on concurrent use of leave and compensatory time to the sections addressing temporary disability leave and family and medical leave.
- Streamlining of family and medical leave provisions to eliminate information not necessary in board-adopted policy.
- Simplifying the statement reflecting that the district permits paid leave offset in conjunction with workers' compensation benefits.
- Revising terminology from *reimbursement* to *payment* for unused leave to reflect that employees are receiving payment for days of accumulated leave upon retirement.

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

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

Please note: For clarity and consistency with policy style, the district's locally developed text throughout the policy has been lightly edited and reorganized. As noted, some of the district's unique text that is administrative in nature is recommended for deletion, including guidelines for administration of unpaid leave.

EHAA(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

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

EHBA(LEGAL)

SPECIAL PROGRAMS: SPECIAL EDUCATION

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

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

EHBAA(LEGAL)

SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

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

EHBAB(LEGAL)

SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

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

Explanatory Notes

TASB Localized Policy Manual Update 117

Waxahachie ISD

EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

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

EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

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

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

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

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

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

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

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

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

EL(LEGAL) CAMPUS OR PROGRAM CHARTERS

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

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

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

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



(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; omitted in Word)

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:	School Districts and Education Service Centers	Community Colleges
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529 512.467.0222	800.580.1488 512.467.3689

PURCHASING AND ACQUISITION

CH
(LOCAL)

**Purchasing
Authority**

The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

The Board delegates to the Superintendent the authority to execute mediated settlement agreements when the aggregate expenditure does not exceed \$10,000.

The Board delegates to the Superintendent the authority to execute all contracts for goods and services under \$50,000 in each fiscal year.

**Exception for
Emergency
Contracts**

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

**Purchasing
Procedures**

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

The Board delegates to the Superintendent the authority to make budgeted purchases for goods and services for items below \$50,000 using the following parameters.

**Purchase Orders
Under \$500**

No solicitation of competitive quotes shall be required for purchase orders under \$500. All purchases must be made through an approved vendor. Approved vendors are those vendors who:

1. Have been awarded contracts through a purchase cooperative of which the District is a member;
2. Have executed an interlocal agreement with the District;
3. Have successfully completed a locally initiated request for proposal for a specific procurement category; or

PURCHASING AND ACQUISITION

CH
(LOCAL)

	4. Are a qualified sole-source vendor.
<i>Purchase Orders Greater Than \$500 but Less Than \$5,000</i>	For purchase orders greater than \$500 and less than \$5,000, the initiating requester shall compare prices with at least three approved vendors, or all approved vendors for a category if fewer than three exist, before submitting a purchase requisition. Documentation of the comparison prices is recommended.
<i>Purchase Orders Greater Than \$5,000 but Less Than \$50,000</i>	The initiating requester shall solicit quotes or proposals from at least three approved vendors, or all approved vendors within a category if fewer than three exist, before submitting a purchase requisition. Documentation of the quotes is required to be remitted and retained by the business office.
Purchasing Method	The Board delegates to the Superintendent the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.
<i>Competitive Bidding</i>	If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered. The District may reject any and all bids in accordance with state or federal law, as applicable.
<i>Competitive Sealed Proposals</i>	If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened. The District may reject any and all proposals in accordance with state or federal law, as applicable.
Electronic Bids or Proposals	Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure

PURCHASING AND ACQUISITION

CH
(LOCAL)

that the electronic bids or proposals remain effectively unopened until the proper time.

Responsibility for Debts

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Purchase Commitments

All purchase commitments shall be made by the Superintendent in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

FACILITIES CONSTRUCTION

CV
(LOCAL)

Compliance with Law

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

Construction Contracts

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above ~~\$50,000~~ \$50,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

Note: For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility.

Project Administration

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

Final Payment

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

**Leave
Administration**

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, ~~using~~**use**, or recording ~~of~~ leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

**Catastrophic Illness
or Injury**

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

State Earning Local Leave

~~An employee shall not earn any local leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.~~

Deductions

~~Leave without Pay~~

~~The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.~~

~~Leave Proration~~

~~Employed for
Less Than Full
Year~~

If an employee separates from employment with the District before his or her last duty day of the ~~school year~~, or begins employment after the first duty day of the ~~school year~~, state personal leave ~~and local leave~~ shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for ~~state personal leave the employee used beyond his or her pro rata entitlement for the school year.~~

~~1. State personal leave the employee used beyond his or her pro rata entitlement for the school year; and~~

~~2. Local leave the employee used but had not earned as of the date of separation.~~

~~Employed for Full
Year~~

~~If an employee uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.~~

Recording

~~Leave shall be recorded as follows:~~

~~1. Leave shall be recorded in half-day increments for all employees.~~

~~2. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.~~

~~3. If the employee chooses to offset leave against workers' compensation benefits, leave shall be recorded in the amount used.~~

Order of Use

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

~~Earned compensatory time shall be used before any available paid state and local leave. [See DEAB]~~

~~Unless an employee requests a different order, available paid state and local leave shall be used in the following order, as applicable:~~

- ~~1. State sick leave accumulated before the 1995-96 school year.~~
- ~~2. Local leave.~~
- ~~3. State personal leave.~~

~~Use of sick leave bank days shall be permitted only after all available state and local leave has been exhausted.~~

**Concurrent Use of
Leave**

~~When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.~~

~~The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.~~

~~An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.~~

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; **or**
- ~~3.~~ The employee requests FMLA leave for the employee's serious health condition; **a serious health condition** ~~or that of the employee's~~ spouse, parent, or child; **or**
- ~~4.3.~~ **The employee requests FMLA leave** for military caregiver **leave purposes.**

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

Note: ~~For District contribution to employee insurance during leave, see CRD(LOCAL).~~

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DEC
(LOCAL)

State Personal Leave	The Board requires employees to differentiate the manner in which state personal leave is used. -
Nondiscretionary Use	Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)] Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.
Discretionary Use	Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.
Limitations Request for Leave	In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor or designee shall not seek or consider the reasons for which an employee requests to use leave. The supervisor or designee shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and/or District operations, as well as the availability of substitutes.
Local Leave	Each employee shall earn five paid local leave days per school year in accordance with administrative regulations. Local leave shall accumulate without limit. Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]
Sick Leave Bank	The District shall establish a sick leave bank that employees may join through contribution of local leave. Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave and any applicable compensatory time. If the employee is unable to request leave from the sick leave bank, a member of the employee's family or the employee's supervisor may submit the request. The Superintendent or designee shall develop regulations for the operation of the sick leave bank that address the following:

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(LOCAL)

1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

An employee may appeal a decision. ~~All decisions~~ regarding the sick leave bank ~~may be appealed~~ in accordance with DGBA(LOCAL), beginning with the Superintendent or ~~appropriate administrator~~ designee.

Unpaid Leave

A full-time employee who has worked for the District in a full-time capacity for less than 12 consecutive months preceding the need for leave shall be granted in a school year a maximum of 30 work-days of unpaid leave to be used:

- For the employee's personal illness or injury, including pregnancy-related illness or injury;
- For absences related to the illness, injury, or disability of a member of the employee's immediate family; or
- For the birth, adoption, or placement of a child.

To be eligible for unpaid leave, the employee shall have been absent for at least five consecutive workdays. ~~Once the employee has met this minimum absence requirement, unpaid leave days can be taken intermittently for the same condition, so long as the employee provides the District with supporting documentation from the treating physician.~~

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Note: See DECA(LEGAL) for provisions addressing FMLA.

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an employee uses FMLA leave.

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LEAVES AND ABSENCES

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(LOCAL)

Combined Leave for Spouses	~~When~~If both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. ~~[See DECA(LEGAL)]~~
Intermittent or Reduced Schedule Leave	The District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. ~~[See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]~~
Certification of Leave	~~When~~If an employee requests leave, the employee shall provide certification, ~~in accordance with~~as required by FMLA regulations, of the need for leave. ~~[See DECA(LEGAL)]~~
Fitness-for-Duty Certification	~~In accordance with administrative regulations,~~ ~~when~~If an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. ~~If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.~~
~~Leave at the End of~~ -of ~~Semester-Leave~~	~~When~~If a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. ~~[See DECA(LEGAL), Leave at the End of a Semester]~~
~~Failure to Return~~	~~If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), Recovery of Benefit Cost]~~
Temporary Disability Leave	Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.] An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent ~~or designee~~ as a request for temporary disability leave. The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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(LOCAL)

**Workers'
Compensation**

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. ~~[See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]~~

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

Paid Leave Offset

The District shall permit the option ~~An employee eligible~~ for paid leave offset in conjunction with workers' compensation income benefits, ~~and not on assault leave, may elect in writing to use available partial day increments of paid leave to make up the difference between the employee's income benefits and the pre-injury wage.~~ [See CRE]

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

**Payment Reimbursement for
Accumulated Leave
Upon Retirement**

The following leave provisions shall apply to state and local leave ~~accumulated~~ ~~earned~~ beginning on the original effective date of this program.

~~An employee~~ ~~All employees~~ who ~~retires~~ ~~retire~~ from the District shall be eligible for ~~payment~~ ~~reimbursement~~ for ~~accumulated~~ state and local leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides ~~three months'~~ advance written notice of intent to retire ~~three months~~ before the last day of instruction.
3. ~~The employee on the school calendar,~~ has at least 15 years of continuous service with the District.
4. ~~The employee has maintained, and maintains~~ a 95 percent attendance rate for each of the three years preceding retirement, ~~excluding absences.~~ ~~Absences~~ for approved FMLA leave.
- ~~2-5.~~ The employee shall receive payment for each day ~~be counted as days~~ of ~~accumulated attendance.~~ ~~An employee meeting these requirements shall be eligible for reimbursement of up to 40 days of available~~ state and local leave, to a maximum of 40 days, at half of the employee's ~~their~~ daily rate of pay in the

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final year of service. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee. ~~Daily rate shall be defined as base salary without consideration of stipends.~~

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

Exception

At the option of the District, the employee may be absent from work with full pay for the final 30 workdays of employment instead of receiving ~~payment~~ reimbursement for accumulated ~~paid~~ leave upon retirement.



Localized Policy Manual Update 117

070912 Waxahachie ISD

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

What should I do to prepare for board adoption?

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

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

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

Questions?

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

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

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

Localized Policy Manual Update 117

Waxahachie ISD

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

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

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

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Overview

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

Your Localized Update 117 packet also contains:

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

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

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

Local Policy Overview for Update 117

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

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

Legal Services Update Memo

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

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

(LEGAL) policies:

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

(LOCAL) policies:

- Require close attention by both the administration and the board

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

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

How to Place Policy Changes on the Agenda for Board Action

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

“Policy Update 117:

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

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

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

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

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

How to Notify Policy Service of Board Action

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

How to Keep Minutes

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

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

How to Maintain Your Historical Record

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

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

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

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

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

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

How to Keep Your Administrative Regulations Current

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

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

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

Disclaimer and Copyright

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

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

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

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

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

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

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

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

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

Instruction Sheet

TASB Localized Policy Manual Update 117

Waxahachie ISD

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

Explanatory Notes

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AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

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

BBC(LEGAL)

BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE

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

BBD(EXHIBIT)

BOARD MEMBERS: TRAINING AND ORIENTATION

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

BJCE(LEGAL)

SUPERINTENDENT: SUSPENSION/TERMINATION DURING CONTRACT

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

C(LEGAL)

BUSINESS AND SUPPORT SERVICES

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

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

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

CH(LEGAL)

PURCHASING AND ACQUISITION

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

As part of the reorganization, we have:

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

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

CH(LOCAL)

PURCHASING AND ACQUISITION

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

Explanatory Notes

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Waxahachie ISD

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

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

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

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

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

CHE(LEGAL)

PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS

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

In addition, we have:

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

CL(LEGAL)

BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

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

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

CV(LEGAL)

FACILITIES CONSTRUCTION

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

As part of the reorganization, we have:

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

CV(LOCAL)

FACILITIES CONSTRUCTION

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

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

Explanatory Notes

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CVA(LEGAL)

FACILITIES CONSTRUCTION: COMPETITIVE BIDDING

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

CVB(LEGAL)

FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

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

CVC(LEGAL)

FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AGENT

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

CVD(LEGAL)

FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AT-RISK

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

CVE(LEGAL)

FACILITIES CONSTRUCTION: DESIGN-BUILD

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

CVF(LEGAL)

FACILITIES CONSTRUCTION: JOB ORDER CONTRACTS

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

DEC(LOCAL)

COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

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

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

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

Other changes include:

- Adding a definition of *school year* that aligns with terminology in the TASB sample contracts and that provides context for references to the term elsewhere in the policy.

Explanatory Notes

TASB Localized Policy Manual Update 117

Waxahachie ISD

- Relocating provisions on concurrent use of leave and compensatory time to the sections addressing temporary disability leave and family and medical leave.
- Streamlining of family and medical leave provisions to eliminate information not necessary in board-adopted policy.
- Simplifying the statement reflecting that the district permits paid leave offset in conjunction with workers' compensation benefits.
- Revising terminology from *reimbursement* to *payment* for unused leave to reflect that employees are receiving payment for days of accumulated leave upon retirement.

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

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

Please note: For clarity and consistency with policy style, the district's locally developed text throughout the policy has been lightly edited and reorganized. As noted, some of the district's unique text that is administrative in nature is recommended for deletion, including guidelines for administration of unpaid leave.

EHAA(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

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

EHBA(LEGAL)

SPECIAL PROGRAMS: SPECIAL EDUCATION

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

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

EHBAA(LEGAL)

SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

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

EHBAB(LEGAL)

SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

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

Explanatory Notes

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EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

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

EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

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

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

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

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

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

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

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

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

EL(LEGAL) CAMPUS OR PROGRAM CHARTERS

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

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

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

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

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**Interventions and
Sanctions for School
Districts**

*Grounds for
Commissioner
Action*

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

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

Education Code 39A.001

*Authorized
Commissioner
Actions*

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

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

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

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or
Management Team

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

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

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

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The conservator or management team may:

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

The conservator or management team may not:

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of
Accreditation

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

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

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

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

Education Code 39A.005

Intervention to
Improve High
School Completion
Rate

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

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

Education Code 39A.007

**Campus Intervention
Team and Targeted
Improvement Plan**

Actions Based on
Campus
Performance

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

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

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

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

Education Code 39A.051

Texas
Accountability
Intervention System

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

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

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

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

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

19 TAC 97.1061(a)–(c), (e)–(i)

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Campus
Intervention Team

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

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

Education Code 39A.052

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

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

19 TAC 97.1063(b)–(c)

*On-Site Needs
Assessment*

A campus intervention team shall:

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

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

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

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

Education Code 39A.053

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Recommendations

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

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

Education Code 39A.054

*Targeted
Improvement
Plan*

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

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

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

Notice of Public
Meeting

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

	The notice must include the date, time, and place of the meeting. <i>Education Code 39A.056</i> 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. <i>19 TAC 97.1061(d)(3)(A)(ii)</i>
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. <i>Education Code 39A.057</i>
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. <i>Education Code 39A.058</i>
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;

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

Education Code 39A.059

*Continuing Duties
of the Campus
Intervention
Team*

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

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

Education Code 39A.060

Needs Improvement
Rating

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

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

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

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

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

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

Education Code 39A.0545

Campus Planning
and Site-Based
Decision-Making

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

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

Education Code 39A.061

Submission of
Campus
Improvement Plan

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

Compliance
Through Federal
Accountability

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

**Campus Turnaround
Plan**

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

Updated Targeted
Improvement Plan

A campus intervention team shall assist the campus in:

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

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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. <i>19 TAC 97.1064(d)</i>
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. <i>19 TAC 97.1064(g)–(h); Education Code 39A.103–.104</i>
Implementation	A campus may implement, modify, or withdraw its campus turnaround plan with board approval if the campus receives an academically acceptable rating for the school year following the development of the campus turnaround plan. A campus that has received an unacceptable rating for the school year following the development of the campus turnaround plan must implement its commissioner-approved campus turnaround plan with fidelity until the campus operates for two consecutive school years without an unacceptable rating. The commissioner may appoint a monitor, conservator, management team, or board of managers for a school district that has a campus that has been ordered to implement an updated targeted improvement plan. The commissioner may order any of the interventions as necessary to ensure district-level support for the low-performing campus and the implementation of the updated targeted improvement plan. The commissioner may make the appointment at any time during which the campus is required to implement the updated targeted improvement plan. <i>19 TAC 97.1064(j)–(k)</i>
Required Contents	A campus turnaround plan must include:

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

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

ACE Turnaround
Plan

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

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

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

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

Education Code 39A.105(b)

Implementing
Entities

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

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

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

Education Code 39A.102, .108

Effective Date

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

Commissioner
Approval or
Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

Implementation

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

Assistance and
Partnerships

A district may:

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

Education Code 39A.109

Change in Campus
Performance Rating

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

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

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

Education Code 39A.110

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Continued
Unacceptable
Performance Rating

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

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

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

*Parent Petition
for Action*

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

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

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

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

Repurposing of
Closed Campus

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

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

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- (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 trans-
portation to the other campus.

The commissioner may grant an exemption allowing students as-
signed 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 ma-
jority of grade levels not served at the original campus.

*Enrollment
Provision in
Contract*

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

Education Code 39A.113

Targeted Technical
Assistance

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

Commissioner
Authority

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

**Alternative
Management**

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

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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

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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

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

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

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

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

Education Code 39A.155

*Cancellation of
Management
Contract*

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

*Return of
Management to
District*

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

*Applicability of
Accountability
Provisions*

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

Funding

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

*Open Meetings and
Public Information*

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

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

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

Education Code 39A.160

Board of Managers

General Powers
and Duties

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

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

Education Code 39A.201

Board of Managers
of District

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

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

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

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

Education Code 39A.202

Board of Managers
of Campus

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

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

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

Education Code 39A.203

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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. <i>Education Code 39A.204</i>
Training of Board of Managers	The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. <i>Education Code 39A.205</i> The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. <i>19 TAC 97.1073(h)</i>
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. <i>Education Code 39A.206</i>
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. <i>Education Code 39A.207</i>
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

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

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

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

Education Code 39A.208; 19 TAC 97.1073

Removal of Board
of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

**Challenge of
Intervention or
Sanction**

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

Review of
Sanctions by SOAH

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

Notwithstanding other law:

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

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

Education Code 39A.301

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)–(b)

**Special
Accreditation
Investigations**

The commissioner may authorize a special accreditation investigation:

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

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

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

Education Code 39.057(a)–(c)

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

Commissioner
Action

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

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

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

Education Code 39.057(d), (e)

**Miscellaneous
Provisions**

Acquisition of
Professional
Services

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

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

Education Code 39A.902

Costs Paid by
District

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

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

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

Education Code 39A.903

Monitoring Reviews
and On-Site
Investigations

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

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

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

Education Code 7.028

*Compliance
Monitoring
Activities*

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

Activities may include:

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

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

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

19 TAC 97.1071(a)–(b)

<i>Notice</i>	TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. <i>Education Code 39.056(d)</i>
<i>Conducting the Review</i>	A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. <i>Education Code 39.056(c), (g)</i>
<i>Accreditation Investigation</i>	The commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the commissioner promptly notifies the district of the conversion. <i>Education Code 39.056(h)</i>
<i>Improvements</i>	TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. <i>Education Code 39.056(e)–(f)</i>
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. <i>Education Code 39A.904</i>
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. <i>Education Code 39A.905</i>
Transitional Interventions and Sanctions	For a campus that received an unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the commissioner may apply the interventions and sanctions authorized by

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

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

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

These transition provisions expire September 1, 2020.

Education Code 39A.906

Special Program
Performance
Determination

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

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

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

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

Intervention Pause

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

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

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

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

19 TAC 97.1062

Failure to Submit
Emergency
Operations Plan

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

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

Student Board
Member

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

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

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

Resignation

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

Effective Date

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

Holdover Doctrine

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

Residency

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

Single-Member
District

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

Filling a Vacancy

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

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

Appointment	To be eligible to be appointed to a board, a person must have the qualifications set forth at Election Code 141.001(a). <i>Election Code 141.001(a)</i> [See BBA]
Special Election	A special election to fill a vacancy shall be conducted in the same manner as the district's general election. <i>Education Code 11.060(c)</i> An election to fill a vacancy shall be to fill the unexpired term only. <i>Tex. Const. Art. XVI, Sec. 27</i>
<i>Date of Election</i>	A special election to fill a vacancy shall be held on an authorized uniform election date occurring within the required period after the vacancy occurs. If no uniform election date affords enough time to hold the election in the manner required by law, the election shall be held on the first authorized uniform election date occurring after the expiration of the period. <i>Election Code 41.001(a), .004(a); Atty. Gen. Op. KP-102 (2016)</i> [See BBB]
<i>Ordering Election</i>	If a vacancy is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. <i>Election Code 201.051(a)</i> Except as otherwise provided by the Election Code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered. <i>Election Code 201.052(a)</i> If the special election is to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 78th day before election day. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years. <i>Election Code 41.002, 201.051</i>
Officer's Statement and Oath	For requirements regarding the officer's statement and oath of office, see BBBB(LEGAL).
Former Board Member Employment	A trustee may not accept employment with the district until the first anniversary of the date the trustee's membership on a board ends. <i>Education Code 11.063</i>
Involuntary Removal from Office	On his or her own motion or at the request of an individual, the attorney general or the county or district attorney may petition the district court for leave to file an information in the nature of quo warranto. An action in the nature of quo warranto is available if:
Quo Warranto	1. A person usurps, intrudes into, or unlawfully holds or executes an office; or 2. A public officer does an act or allows an act that by law causes forfeiture of office.

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

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

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

Civ. Prac. & Rem. Code 66.001–.003

Removal by Petition
and Trial

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

*Reasons for
Removal*

A board member may be removed from office for:

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

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

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

*Removal for
Purchasing
Violations*

See CH for information regarding removal for purchasing violations.

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

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

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

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

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

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

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

Framework for School Board Development

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

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

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

BOARD MEMBERS
TRAINING AND ORIENTATION

BBD
(EXHIBIT)

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

BOARD MEMBERS
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(EXHIBIT)

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

BOARD MEMBERS
TRAINING AND ORIENTATION

BBD
(EXHIBIT)

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

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

SUPERINTENDENT
SUSPENSION/TERMINATION DURING CONTRACT

BJCE
(LEGAL)

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

SUPERINTENDENT
SUSPENSION/TERMINATION DURING CONTRACT

BJCE
(LEGAL)

Duty to Report

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

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

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

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

Required
Documentation

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

19 TAC 105.1021(b), (d)

Reduction of State
Funds

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

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

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

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

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

SECTION C: BUSINESS AND SUPPORT SERVICES

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

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SECTION C: BUSINESS AND SUPPORT SERVICES

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

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

SECTION C: BUSINESS AND SUPPORT SERVICES

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

STATE AND FEDERAL REVENUE SOURCES
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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.

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EDGAR means the Education Department General Administrative Regulations (34 C.F.R. 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99). *34 C.F.R. 77.1(c)*

Uniform Guidance
(2 C.F.R. 200)

The Department of Education (ED) adopts the Office of Management and Budget (OMB) Guidance in 2 C.F.R. Part 200 Uniform Guidance, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Chapter XXXIV, Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the ED. *2 C.F.R. 3474.1*

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts, as described in 2 C.F.R. 200.101 (Applicability). *2 C.F.R. 200.1 (Definitions), .100*

Note: The Uniform Guidance applies to all new grant awards and non-competing continuations (NCCs) made on or after December 26, 2014 (see 2 C.F.R. 200.110).

For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA's [EDGAR Materials and Resources](#)¹ and the ED's [EDGAR website](#)² and [Uniform Guidance website](#).³

General
Compliance

A district is responsible for complying with all requirements of the federal award. *2 C.F.R. 200.300(b)*

Throughout 2 C.F.R. Part 200 when the word "must" is used it indicates a requirement. Whereas, use of the word "should" or "may" indicates a best practice or recommended approach rather than a requirement and permits discretion. *2 C.F.R. 200.101(b)(1)*

Disclosures
Conflicts

A district must disclose in writing any potential conflict of interest to the federal awarding agency (e.g., ED) or pass-through entity (e.g., TEA) in accordance with applicable federal awarding agency policy. *2 C.F.R. 200.112*

Crimes

A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance), including suspension or debarment. *2 C.F.R. 200.113*

STATE AND FEDERAL REVENUE SOURCES
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(LEGAL)

<i>Procurement Standards</i>	The district must have and use documented procurement procedures, consistent with state, local, and tribal laws and regulations and the standards of 2 C.F.R. 200.318, for the acquisition of property or services required under a federal award or subaward. The district's documented procurement procedures [see Competition, below] must conform to the procurement standards identified in 2 C.F.R. 200.317 through 200.327.
District Procedures	
Oversight	The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
Conflicts of Interest	The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, districts may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]
Records	The district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below] 2 C.F.R. 200.318(a), (b), (c)(1), (i) [See 2 C.F.R. 200.334 for record retention requirements.]
<i>Financial Management</i>	The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been

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used according to the federal statutes, regulations, and the terms and conditions of the federal award. [See also 2 C.F.R. 200.450 (Lobbying)]

The district's financial management system must comply with 2 C.F.R. 200.302(b). [See also 2 C.F.R. 200.334 (Retention requirements for records), .335 (Requests for transfer of records), .336 (Methods for collection, transmission and storage of information), and .337 (Access to records)]

2 C.F.R. 200.302

Internal Controls

The district must:

1. Establish and maintain effective internal control over the federal award that provides reasonable assurance that the district is managing the award in compliance with federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the award.
3. Evaluate and monitor the district's compliance with statutes, regulations and the terms and conditions of federal awards.
4. Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.
5. Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the district considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 200.303

"Internal controls" for districts means processes designed and implemented by districts to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;
2. Reliability of reporting for internal and external use; and

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3. Compliance with applicable laws and regulations.

2 C.F.R. 200.1

Competition

All procurement transactions for the acquisition of property or services required under a federal award must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

The district must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this provision preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d). [See Procurement Standards, above]

The district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the district must not preclude potential bidders from qualifying during the solicitation period.

Noncompetitive procurements can only be awarded in accordance with 2 C.F.R. 200.320(c).

2 C.F.R. 200.319

*Procurement
Methods*

The district must have and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and 200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition) for any of the following methods of procurement used for the acquisition of property or services required under a federal award or sub-award. *2 C.F. R. 200.320*

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Informal
Procurement
Methods

When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1, or a lower threshold established by a district, formal procurement methods are not required. The district may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

*Micro-
Purchases—
Definitions*

“Micro-purchase” means a purchase of supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases as defined in 2 C.F.R. 200.320.

“Micro-purchase threshold” means the dollar amount at or below which a district may purchase property or services using micro-purchase procedures. Generally, the micro-purchase threshold for procurement activities administered under federal awards is not to exceed the amount set by the Federal Acquisition Regulations (FAR) at 48 C.F.R. Part 2, Subpart 2.1 [see below], unless a higher threshold is requested by the district and approved by the cognizant agency for indirect costs.

2 C.F.R. 200.1

Micro-purchase threshold means \$10,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

*Micro-
Purchase
Distribution*

The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. [See the definition of “micro-purchase” above.] To the maximum extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. *2 C.F.R. 200.320(a)(1)(i)*

*Micro-
Purchase
Awards*

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the district. *2 C.F.R. 200.320(a)(1)(ii)*

*Micro-
Purchase
Thresholds*

The district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the district must be authorized or not prohibited under state, local, or tribal laws or regulations. Districts may establish a threshold higher than the federal

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threshold established in the FAR in accordance with 2 C.F.R. 200.320(a)(1)(iv) and (v). *2 C.F.R. 200.320(a)(1)(iii)*

Districts may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of 2 C.F.R. 200.320. The district may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the federal awarding agency and auditors in accordance with 2 C.F.R. 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

1. A qualification as a low-risk auditee, in accordance with the criteria in 2 C.F.R. 200.520 for the most recent audit.
2. An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
3. For public institutions, a higher threshold consistent with state law.

2 C.F.R. 200.320(a)(1)(iv)

Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request with the requirements included in 2 C.F.R.

200.320(a)(1)(iv). The increased threshold is valid until there is a change in status in which the justification was approved. *2 C.F.R. 200.320(a)(1)(v)*

*Small
Purchases—
Procedures*

The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the district. *2 C.F.R. 200.320(a)(2)(i)*

*Small
Purchases—
Simplified
Acquisition
Thresholds*

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. However, in no circumstances can this threshold exceed the dollar value established in the FAR

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(48 C.F.R. Part 2, Subpart 2.1) for the simplified acquisition threshold. Recipients should determine if local government laws on purchasing apply. 2 C.F.R. 200.1, .320(a)(2)(ii)

Simplified acquisition threshold means \$250,000, except as provided by 48 C.F.R. 2.101. 48 C.F.R. 2.101

Formal
Procurement
Methods

When the value of the procurement for property or services under a federal financial assistance award exceeds the simplified acquisition threshold, or a lower threshold established by a district, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 C.F.R. 200.319 or 200.320(c). The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the district determines to be appropriate:

Sealed Bids

A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions [sic].

In order for sealed bidding to be feasible, the following conditions should be present:

1. A complete, adequate, and realistic specification or purchase description is available.
2. Two or more responsible bidders are willing and able to compete effectively for the business; and
3. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

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3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. Any or all bids may be rejected if there is a sound documented reason.

2 C.F.R. 200.320(b)(1)

Proposals

A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. The district must have a written method for conducting technical evaluations of the proposals received and making selections;
3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district, with price and other factors considered; and
4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

2 C.F.R. 200.320(b)(2)

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Noncompetitive
Procurement

There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
2. The item is available only from a single source;
3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the district; or
5. After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Cooperative
Purchasing

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the district is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements. *2 C.F.R. 200.318(e)*

*Minority, Small,
and Women's
Businesses*

The district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

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4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1 through 5 above.

2 C.F.R. 200.321

*Domestic
Preference*

As appropriate and to the extent consistent with law, the district should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 C.F.R. 200.322 must be included in all subawards including all contracts and purchase orders for work or products under this award.

For purposes of this provision:

1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2 C.F.R. 200.322

*Pre-procurement
Review*

The district must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;
2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

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3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;
4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.325(b)

*Contract Cost
and Price*

The district must perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the district must make independent estimates before receiving bids or proposals.

The district must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the district under 2 C.F.R. Part 200, Subpart E. The district may reference its own cost principles that comply with the federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

2 C.F.R. 200.324

*Contract
Provisions*

The district's contracts must contain the applicable provisions described in appendix II to 2 C.F.R. Part 200. *2 C.F.R. 200.327*

*Suspension and
Debarment*

Districts are subject to the non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.214*

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*Remedies for
Noncompliance*

If a district fails to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.208 (Specific Conditions). If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the district or more severe enforcement action by the federal awarding agency or pass-through entity.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency).
5. Withhold further federal awards for the project or program.
6. Take other remedies that may be legally available.

2 C.F.R. 200.339

Travel Costs

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the district's non-federally funded activities and in accordance with the district's written travel reimbursement policies.

In the absence of an acceptable, written district policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), or by the administrator of general services, or by the president (or his or her designee) pursuant to any provisions of such subchapter

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must apply to travel under federal awards [48 C.F.R. 31.205–46(a)].

2 C.F.R. 200.475(a), (d)

*Property
Standards*

Federally
Owned Property

Title to federally owned property remains vested in the federal government. The district must submit annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the property is no longer needed, the district must report the property to the federal awarding agency for further federal agency utilization.

Exempt property means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the district without further responsibility to the federal government, based upon the explicit terms and conditions of the federal award. The federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the federal award, title to exempt property acquired under the federal award remains with the federal government.

2 C.F.R. 200.312(a), (c)

Property Trust
Relationship

Real property, equipment, and intangible property that are acquired or improved with a federal award must be held in trust by the district as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The federal awarding agency may require the district to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

Real Property

Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property acquired or improved under a federal award will vest upon acquisition in the district.

Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the district must not dispose of or encumber its title or other interests.

When real property is no longer needed for the originally authorized purpose, the district must obtain disposition instructions from the federal awarding agency or pass-through entity. The instructions must provide for one of the following alternatives:

1. Retain title after compensating the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(1).

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2. Sell the property and compensate the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(2).
3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The district is entitled to be paid an amount calculated by applying the district's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

2 C.F.R. 200.311

Equipment

Title and Use

Subject to the requirements and conditions set forth in 2 C.F.R. 200.313, title to equipment acquired under a federal award will vest upon acquisition in the district. Unless a statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government, and the federal agency elects to do so, the title must be a conditional title. Title must vest in the district subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. Not encumber the property without approval of the federal awarding agency or pass-through entity.
3. Use and dispose of the property in accordance with the provisions below.

Equipment must be used by the district in the program or project for which it was acquired in accordance with 2 C.F.R. 200.313(c).

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the requirements of 2 C.F.R. 200.313(d).

Disposition

If the district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions, the district must request disposition instructions from the federal awarding agency if required by the terms and conditions of the fed-

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eral award. Disposition of the equipment will be made as prescribed in 2 C.F.R. 200.313(e), in accordance with federal awarding agency disposition instructions.

2 C.F.R. 200.313

Supplies

Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2).

2 C.F.R. 200.314(a)

Intangible
Property

Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that property for the originally-authorized purpose, and must not encumber the property without approval of the federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). *2 C.F.R. 200.315(a)*

Direct Grant
Programs

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED. *34 C.F.R. 75.1*

State-Administered
Programs

The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the ED. *34 C.F.R. 76.1*

General Education
Provision Act

The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the ED and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

¹ TEA EDGAR Materials and Resources:

https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/

² ED EDGAR website:

<https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>

³ ED Uniform Guidance website:

<https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>

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Note: For legal requirements applicable to purchases with federal funds, see CBB.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

For provisions pertaining to criminal history record information on contractors, see CJA.

For legal requirements related to energy savings performance contracts, see CL.

For information on procuring school buses, see CNB.

For legal requirements applicable to school nutrition procurement, including produce, with federal funds, see COA.

For information regarding construction of school facilities, see CV series.

Board Authority

The board may adopt rules and procedures for the acquisition of goods and services. *Education Code 44.031(d)*

Delegation of
Authority

The board may, as appropriate, delegate its authority regarding an action authorized or required by Education Code Chapter 44, Subchapter B, to be taken by a district to a designated person, representative, or committee.

The board may not delegate the authority to act regarding an action authorized or required to be taken by the board by Education Code Chapter 44, Subchapter B.

*Disaster
Delegation*

Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a district, the board may delegate to the superintendent or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities under Education Code Chapter 44, Subchapter B if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.

Education Code 44.0312

**Purchases Valued at
or Above \$50,000**

Methods

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period, shall be made by the method, of the following methods, that provides the best value for a district:

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1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals for services other than construction services.
4. An interlocal contract.
5. A method provided by Government Code Chapter 2269 for construction services [see CV series];
6. The reverse auction procedure as defined by Government Code 2155.062(d).
7. The formation of a political subdivision corporation under Local Government Code 304.001 (purchase of electricity).

Education Code 44.031(a)

Exceptions

Emergency
Damage or
Destruction

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

Sole Source

Without complying with Education Code 44.031(a) above, a district may purchase an item that is available from only one source, including:

1. An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

The exceptions above do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.

Education Code 44.031(j)–(k)

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*Competitive
Bidding*

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see Contract Selection Factors, below].

Except as provided below, Local Government Code Chapter 271, Subchapter B (Competitive Bidding on Certain Public Works Contracts) does not apply to a competitive bidding process under this policy.

Local Government Code Sections 271.026 (Opening of Bids), 271.027(a) (Award of Contract), and 271.0275 (Safety Record of Bidder Considered) apply to a competitive bidding process under Education Code Chapter 44, Subchapter B. [See CVA for these requirements.]

Education Code 44.0351

*Competitive
Sealed Proposals*

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a district shall follow the procedures prescribed below.

Request for
Proposals

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror.

Opening
Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria.

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to

negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria.

Education Code 44.0352

*Interlocal
Contracts*

"Interlocal contract" means a contract or agreement made under Government Code Chapter 791 (Interlocal Cooperation Act). A district may contract or agree with another local government or a federally recognized Indian tribe, as listed by the U.S. secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with Government Code Chapter 791. A district may agree with another local government and with the state or a state agency, including the comptroller, to purchase goods and services. *Gov't Code 791.003(2), .011(a), .025(a)*

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract;
2. State the purpose, terms, rights, and duties of the contracting parties; and
3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. An interlocal contract may be renewed. Notwithstanding item 2 above, an interlocal contract may have a specified term of years.

Gov't Code 791.011(d)–(f), (i)

A district may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and any services reasonably required for the installation, operation, or maintenance of the goods. This provision does not apply to services provided by firefighters, police officers, or emergency medical personnel. *Gov't Code 791.025(b)*

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A district that purchases goods and services under Government Code 791.025 satisfies the requirement to seek competitive bids for the purchase of the goods and services. *Gov't Code 791.025(c); Atty. Gen. Op. JC-37 (1999)*

Reverse Auction

A district that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the district and fair to vendors. *Local Gov't Code 271.906(b)*

"Reverse auction procedure" means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or
2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

Gov't Code 2155.062(d)

Site-Based
Purchasing

If a purchase is made at the campus level in a district with a student enrollment of 180,000 or more that has formally adopted a site-based decision-making plan under Education Code Subchapter F, Chapter 11 [see BQ series], that delegates purchasing decisions to the campus level, Education Code 44.031 applies only to the campus and does not require the district to aggregate and jointly award purchasing contracts. A district that adopts site-based purchasing under this provision shall adopt a policy to ensure that campus purchases achieve the best value to the district and are not intended or used to avoid the requirement that a district aggregate purchases under Education Code 44.031(a). *Education Code 44.031(m)*

**Contract Selection
Factors**

Except as provided by Education Code Chapter 44, Subchapter B, in determining to whom to award a contract, the district shall consider:

1. The purchase price.
2. The reputation of the vendor and of the vendor's goods or services.
3. The quality of the vendor's goods or services.

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4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the vendor's goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.031(b-1)*

The factors listed above are the only criteria that may be considered by a district in its decision to award a contract. *R.G.V. Vend-ing v. Weslaco Indep. Sch. Dist.*, 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.)

Preferences
*Agricultural
Products*

A district that purchases agricultural products shall give preference to those produced, processed, or grown in Texas if the cost to the district is equal and the quality is equal. If agricultural products produced, processed, or grown in Texas are not equal in cost and quality to other products, the district shall give preference to agricultural products produced, processed, or grown in other states of the United States, if the cost and quality of the U.S. and foreign products are equal.

"Agricultural products" includes textiles and other similar products.

"Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form.

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	A district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.
Vegetation for Landscaping	A district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the district is equal and the quality is equal. <i>Education Code 44.042</i> [For legal requirements applicable to school nutrition procurement, including produce and agricultural products, with federal funds, see COA.]
<i>Recycled Products</i>	A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than ten percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. <i>30 TAC 328.203</i> Subchapter K of 30 Administrative Code (Governmental Entity Recycling and Purchasing of Recycled Materials) does not apply to a district with a student enrollment of less than 10,000 students. <i>30 TAC 328.204(a)</i> A district regularly shall review and revise its procurement procedures and specifications for the purchase of goods, supplies, equipment, and materials in order to: 1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials; 2. Encourage the use of products made of recycled materials; and 3. Ensure to the maximum extent economically feasible that the district purchases products that may be recycled when they have served their intended use. In developing new procedures and specifications, the district shall encourage the use of recycled products and products that may be recycled or reused. <i>Health and Safety Code 361.426(b)–(c)</i>
<i>Bidder's Place of Business</i>	In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code Section 271.9051. This provision

does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. 153. *Education Code 44.031(b-1)*

Notice Publication

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Electronic Bids or Proposals

A district may receive bids or proposals under Education Code Chapter 44 through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Notwithstanding any other provision of Education Code Chapter 44, an electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

Education Code 44.0313

Right to Work

While a district is engaged in procuring goods and services or awarding a contract, or overseeing procurement or construction for a public work or public improvement, a district:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Education Code 44.043

Contract with Person Indebted to District

The board by resolution may establish regulations permitting the district to refuse to enter into a contract or other transaction with a person indebted to the district. It is not a violation of Education Code Chapter 44, Subchapter B (Purchases; Contracts) for a district, under regulations adopted under this provision, to refuse to

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award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the district.

“Person” includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that proposes or otherwise seeks to enter into a contract or other transaction with the district requiring approval by the board.

Education Code 44.044

Out-of-State Bidders

A district may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident’s principal place of business is located, or the state in which a majority of the manufacturing relating to the contract will be performed. *Gov’t Code 2252.002*

This requirement does not apply to a contract involving federal funds. A district shall use the information published by the comptroller under Government Code 2252.003 (Publication of Other State’s Laws on Contracts) to evaluate the bid of a nonresident bidder. A district may rely on information published under Government Code 2252.003 to meet the requirements of Government Code 2252.002. *Gov’t Code 2252.003–.004*

“Governmental contract” means a contract awarded by a governmental entity, including a public school district, for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

“Resident bidder” refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Gov’t Code 2252.001

Professional Services

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect, attorney, certified public accountant, engineer, or fiscal agent. A district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003 (Professional Services Procurement Act) (see below), in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

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Professional
Services
Procurement Act
Selection

A district may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.003(a)*

Definition

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov't Code 2254.002

[For specific information on procuring architectural or engineering services, see CV.]

Contingent Fee
Contract for Legal
Services

Government Code Chapter 2254, Subchapter C provides the manner in which and the situations under which a district may compensate a public contractor under a contingent fee for legal services. That subchapter does not apply to a contract for legal services:

1. Provided to a district under Government Code Chapter 403, Subchapter M; or
2. Entered into under Tax Code 6.30 (delinquent tax collection) [see CCGA(LEGAL)] or Government Code 1201.027 (issuance of public securities) [see CCA(LEGAL)], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

Gov't Code 2254.102

A district may select an attorney or law firm to award a contingent fee contract only in accordance with Government Code 2254.003(a) (Professional Services Procurement Act) [see Selection, above] and Government Code 2254.1032.

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In procuring legal services under a contingent fee contract, a district shall:

1. Select a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience in the requested services; and
2. Attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price.

Gov't Code 2254.1032

Specific Purchases

Computers

A district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Government Code Chapter 2054 or 2157. *Education Code 44.031(i)*

Automated
Information System

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method described above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.391*

Automated External
Defibrillators

A district that purchases or leases an automated external defibrillator (AED), as defined by Health and Safety Code 779.001, shall ensure that the AED meets standards established by the federal Food and Drug Administration. *Education Code 44.047(a)*

Insurance

A contract for the purchase of insurance is not a contract for professional services. A district must award such a contract using one of the methods in Education Code 44.031. *Atty. Gen. Op. DM-418 (1996)*

*Multiyear
Contracts*

A district may execute an insurance contract for a period longer than 12 months, if the contract complies with Local Government Code 271.903(a) [see Commitment of Current Revenue, below]. If a district executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the district will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

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**Other Purchasing
Methods**

The comptroller shall establish a program by which the comptroller performs purchasing services for local governments. The services must include:

*State Purchasing
Program*

1. The extension of state contract prices to participating local governments when the comptroller considers it feasible.
2. Solicitation of bids on items desired by local governments if the solicitation is considered feasible by the comptroller and is desired by the local government.
3. Provision of information and technical assistance to local governments about the purchasing program.

The comptroller may charge a participating local government an amount not to exceed the actual costs incurred by the comptroller in providing purchasing services to the local government under the program.

Local Gov't Code 271.082

*District
Participation*

A district may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the board requesting that the district be allowed to participate on a voluntary basis, and to the extent the comptroller deems feasible, and stating that the district will:

1. Designate an official to act for the district in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the board will direct the decisions of the representative;
2. Be responsible for:
 - a. Submitting requisitions to the comptroller under any contract; or
 - b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending to the comptroller reports on actual purchases made under this provision that provide the information and are sent at the times required by the comptroller;
3. Be responsible for making payment directly to the vendor;
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A district that purchases an item under a state contract or under a reverse auction procedure, sponsored by the comptroller satisfies

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any state law requiring the district to seek competitive bids for the purchase of the item.

Local Gov't Code 271.083

Multiple Award
Contract Schedule

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state. *Gov't Code 2155.502(a)*

A district may purchase goods or services directly from a vendor under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I. A district contracting for the purchase of an automated information system under a contract listed on a schedule shall comply with Government Code 2157.068(e-1) (Purchase of Information Technology Commodity Items) [see Automated Information System, above]. A purchase authorized by this provision satisfies any requirement of state law relating to competitive bids or proposals.

The price listed for a good or service under a multiple award contract is a maximum price. A district may negotiate a lower price for goods or services under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I.

Gov't Code 2155.504

Cooperative
Purchasing
Program

A district may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A district that is participating in a cooperative purchasing program may sign an agreement with another participating local government or a local cooperative organization stating that the district will:

1. Designate a person to act under the direction of, or on behalf of, the district in all matters relating to the program;
2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under these provisions, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
3. Be responsible for the vendor's compliance relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

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A district that purchases goods or services under these provisions satisfies any state law requiring the district to seek competitive bids for the purchase of the goods or services.

Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)

*Cooperative
Purchasing
Contract Fees*

A district that enters into a purchasing contract valued at \$25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Local Government Code Chapter 271, Subchapter F (cooperative purchasing program), or under any other cooperative purchasing program authorized for school districts by law shall document any contract-related fee, including any management fee, and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board. The written report must appear as an agenda item. The commissioner of education may audit the written report.

Education Code 44.0331

**Commitment of
Current Revenue**

If a contract for the acquisition, including lease, of real or personal property retains to the board the continuing right to terminate at the expiration of each budget period during the term of the contract, is conditioned on a best efforts attempt by the board to obtain and appropriate funds for payment of the contract, or contains both the continuing right to terminate and the best efforts conditions, the contract is a commitment of a district's current revenue only. *Local Gov't Code 271.903*

Change Orders

For provisions regarding change orders, see CV.

Criminal Offenses

An officer, employee, or agent of a district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Education Code 44.031(a) or (b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be made in one purchase.

Education Code 44.032(a)–(b)

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An officer, employee, or agent of a district commits an offense if the person with criminal negligence violates Education Code 44.031(a) or (b) other than by conduct described by Education Code 44.032(b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude. *Education Code 44.032(c)*

An officer or employee of a district commits an offense if the officer or employee knowingly violates Education Code 44.031, other than by conduct described by Education Code 44.032(b) or (c). An offense under this provision is a Class C misdemeanor. *Education Code 44.032(d)*

Removal from
Office

The final conviction of a person other than a trustee of a district for an offense under Education Code 44.032(b) or (c) above results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under Education Code 44.032 is considered to have committed official misconduct for purposes of Local Government Code Chapter 87, and is subject to removal as provided by that chapter and Texas Constitution Article V, Section 24. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state, and is ineligible to receive any compensation through a contract with the state or a political subdivision of the state. *Education Code 44.032(e)*

Injunction

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this provision is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*

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**Purchasing
Authority**

The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

The Board delegates to the Superintendent the authority to execute mediated settlement agreements when the aggregate expenditure does not exceed \$10,000.

The Board delegates to the Superintendent the authority to execute all contracts for goods and services under \$50,000 in each fiscal year.

**Exception for
Emergency
Contracts**

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

**Purchasing
Procedures**

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

The Board delegates to the Superintendent the authority to make budgeted purchases for goods and services for items below \$50,000 using the following parameters.

*Purchase Orders
Under \$500*

No solicitation of competitive quotes shall be required for purchase orders under \$500. All purchases must be made through an approved vendor. Approved vendors are those vendors who:

1. Have been awarded contracts through a purchase cooperative of which the District is a member;
2. Have executed an interlocal agreement with the District;
3. Have successfully completed a locally initiated request for proposal for a specific procurement category; or

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	4. Are a qualified sole-source vendor.
<i>Purchase Orders Greater Than \$500 but Less Than \$5,000</i>	For purchase orders greater than \$500 and less than \$5,000, the initiating requester shall compare prices with at least three approved vendors, or all approved vendors for a category if fewer than three exist, before submitting a purchase requisition. Documentation of the comparison prices is recommended.
<i>Purchase Orders Greater Than \$5,000 but Less Than \$50,000</i>	The initiating requester shall solicit quotes or proposals from at least three approved vendors, or all approved vendors within a category if fewer than three exist, before submitting a purchase requisition. Documentation of the quotes is required to be remitted and retained by the business office.
Purchasing Method	The Board delegates to the Superintendent the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.
<i>Competitive Bidding</i>	If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered. The District may reject any and all bids in accordance with state or federal law, as applicable.
<i>Competitive Sealed Proposals</i>	If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened. The District may reject any and all proposals in accordance with state or federal law, as applicable.
Electronic Bids or Proposals	Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure

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that the electronic bids or proposals remain effectively unopened until the proper time.

Responsibility for Debts

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Purchase Commitments

All purchase commitments shall be made by the Superintendent in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

PURCHASING AND ACQUISITION
VENDOR DISCLOSURES AND CONTRACTS

CHE
(LEGAL)

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)*

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VENDOR DISCLOSURES AND CONTRACTS

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<i>Deadline</i>	A district that receives a completed disclosure of interested parties form and certification of filing shall notify TEC, in an electronic format prescribed by TEC, of the receipt of those documents not later than the 30th day after the date the board receives the disclosure. <i>1 TAC 46.5(c); Gov't Code 2252.908(f)</i>
<i>Contract Changes</i>	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. <i>1 TAC 46.4</i>
<i>Definitions</i>	“Contract” means a contract between a board and a business entity at the time it is voted on by the board or at the time it binds the board, whichever is earlier, and includes an amended, extended, or renewed contract. <i>1 TAC 46.3(a)</i> “Business entity” means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation. The term includes an entity through which business is conducted with a district, regardless of whether the entity is a for-profit or nonprofit entity, and does not include a governmental entity or state agency. <i>Gov't Code 2252.908(a)(1); 1 TAC 46.3(b)</i> “Interested party” means a person who has a controlling interest in a business entity with whom a district contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity. <i>Gov't Code 2252.908(a)(3); 1 TAC 46.3(d), (e)</i> “Controlling interest” means:

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1. An ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds ten percent;
2. Membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than ten members; or
3. Service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. This provision does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

1 TAC 46.3(c)

“Signed” includes any symbol executed or adopted by a person with present intention to authenticate a writing, including an electronic signature. *1 TAC 46.3(f)*

“Value” of a contract is based on the amount of consideration received or to be received by the business entity from the district under the contract. *1 TAC 46.3(g)*

Conflict of Interest
Questionnaire

Note: See BBFA for additional information applicable to disclosures under Local Government Code Chapter 176, including:

- Definitions;
- Conflicts disclosure statements required to be filed by certain local government officers, including vendors who are also local government officers; and
- Internet posting requirements for conflicts disclosure statements and questionnaires.

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with the district and:

1. Has an employment or other business relationship with a local government officer of the district, or a family member of the officer, described by Local Government Code 176.003(a)(2)(A);
2. Has given a local government officer of the district, or a family member of the officer, one or more gifts with the aggregate value specified by Local Government Code 176.003(a)(2)(B), excluding any gift described by Local Government Code 176.003(a-1); or

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3. Has a family relationship with a local government officer of the district.

Local Gov't Code 176.006(a)

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

1. The date that the vendor:
 - a. Begins discussions or negotiations to enter into a contract with a district;
 - b. Submits to the district an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the district; or
2. The date the vendor becomes aware:
 - a. Of an employment or other business relationship with a local government officer, or a family member of the officer described by Local Government Code 176.006(a);
 - b. That the person has given one or more gifts described by Local Government Code 176.006(a); or
 - c. Of a family relationship with a local government officer.

Local Gov't Code 176.006(a-1)

*Updating
Incomplete or
Inaccurate
Questionnaires*

A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. *Local Gov't Code 176.006(d)*

*Validity of
Contract*

The validity of a contract between a vendor and the district is not affected solely because the vendor fails to comply with these requirements. *Local Gov't Code 176.006(i)*

**Required Contract
Provisions**

No Israel Boycott

A district may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that it does not boycott Israel and will not during the term of the contract.

The requirement above applies only to a contract that:

1. Is between a district and a company with ten or more full-time employees; and

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2. Has a value of \$100,000 or more that is to be paid wholly or partly from public funds of the district.

Gov't Code 2271.002

"Company" has the meaning assigned by Government Code 808.001, except that the term does not include a sole proprietorship. *Gov't Code 2271.001(2)*

Retention of
Contracting
Information

Application

These provisions apply to a contract that:

1. Has a stated expenditure of at least \$1 million in public funds for the purchase of goods or services by the district; or
2. Results in the expenditure of at least \$1 million in public funds for the purchase of goods or services by the district in a fiscal year of the district.

A board may not accept a bid for a contract described above or award the contract to an entity that the board has determined has knowingly or intentionally failed to comply with Government Code Chapter 552, Subchapter J (Additional Provisions Relating to Contracting Information) in a previous bid or contract described above unless the board determines and documents that the entity has taken adequate steps to ensure future compliance with the requirements of that subchapter. [For additional information and requirements, see GBA and GBAA.]

Requirements

A contract described above must require a contracting entity to:

1. Preserve all contracting information related to the contract as provided by the records retention requirements applicable to the district for the duration of the contract;
2. Promptly provide to the district any contracting information related to the contract that is in the custody or possession of the entity on request of the district; and
3. On completion of the contract, either:
 - a. Provide at no cost to the district all contracting information related to the contract that is in the custody or possession of the entity; or
 - b. Preserve the contracting information related to the contract as provided by the records retention requirements applicable to the district.

*Bid and Contract
Language*

Except as described at Exception, below, a bid for a contract described above and the contract must include the following statement: "The requirements of Subchapter J, Chapter 552, Government Code, may apply to this (include "bid" or "contract" as

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applicable) and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter.”

*Notice of
Noncompliance*

A board that is the party to a contract described above shall provide notice to the entity that is a party to the contract if the entity fails to comply with a requirement of Government Code Chapter 552, Subchapter J applicable to the entity. The notice must:

1. Be in writing;
2. State the requirement that the entity has violated; and
3. Unless the exception described below applies, advise the entity that the board may terminate the contract without further obligation to the entity if the entity does not cure the violation on or before the tenth business day after the date the board provides the notice.

*Contract
Termination*

Except as provided below, a governmental body may terminate a contract described above if:

1. The board provides the required notice to the entity that is party to the contract;
2. The contracting entity does not cure the violation in the prescribed period;
3. The board determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of Government Code Chapter 552, Subchapter J; and
4. The board determines that the entity has not taken adequate steps to ensure future compliance with the requirements of that subchapter.

An entity has taken adequate steps to ensure future compliance with Government Code Chapter 552, Subchapter J if:

1. The entity produces contracting information requested by the board that is in the custody or possession of the entity not later than the tenth business day after the date the board makes the request; and
2. The entity establishes a records management program to enable the entity to comply with Government Code Chapter 552, Subchapter J.

Exception

A board may not terminate a contract under these provisions if the contract is related to the purchase or underwriting of a public security, the contract is or may be used as collateral on a loan, or the

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contract's proceeds are used to pay debt service of a public security or loan.

Gov't Code 552.371(a), .372–.374 [See GBA]

Prohibitions

Entertainment
Event Contracts

A person, including a board, may not include a provision in a contract related to a parade, concert, or other entertainment event paid for in whole or in part with public funds that prohibits or would otherwise prevent the disclosure of information relating to the receipt or expenditure of public or other funds by a board for the event. A contract provision that violates Government Code 552.104(c) is void. *Gov't Code 552.104(c)* [See GBA for information related to competition or bidding.]

Taxpayer Resource
Transactions

A district may not enter into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider. *Gov't Code 2272.003(a)*

“Taxpayer resource transaction” means a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental entity and a private entity that provides to the private entity something of value derived from state or local tax revenue, regardless of whether the governmental entity receives something of value in return.

“Affiliate” means a person or entity who enters into with another person or entity a legal relationship created or governed by at least one written instrument, including a certificate of formation, a franchise agreement, standards of affiliation, bylaws, or a license, that demonstrates:

1. Common ownership, management, or control between the parties to the relationship;
2. A franchise granted by the person or entity to the affiliate; or
3. The granting or extension of a license or other agreement authorizing the affiliate to use the other person's or entity's brand name, trademark, service mark, or other registered identification mark.

Gov't Code 2272.001(3), (5)

Lobbying
Restriction—
Tobacco Education
Grant Funds

A district receiving funds or grants from the Permanent Fund for Health and Tobacco Education and Enforcement may not use the funds to pay:

1. Lobbying expenses incurred by the district;

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2. A person or entity that is required to register with the Texas Ethics Commission under Government Code Chapter 305 (Registration of Lobbyists);
3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by item 2; or
4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067(a)

Prohibited
Contracts

A district may not enter into a governmental contract with a company identified on a list prepared and maintained under Government Code 806.051 (now Government Code 2270.0201) (companies with business operations in Sudan), 807.051 (now Government Code 2270.0102) (companies with business operations in Iran), and 2252.153 (companies known to have contracts with or provide supplies or services to foreign terrorist organization). *Gov't Code 2252.152*

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. The term includes a contract to obtain professional services subject to Government Code 2254. *Gov't Code 2252.151(3)*

Reduction of Energy Consumption

The board shall establish a long-range energy plan to reduce the district's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the district's energy plan. The plan must include:

1. Strategies for achieving energy efficiency that:
 - a. Result in net savings for the district; or
 - b. Can be achieved without financial cost to the district; and
2. For each strategy identified above, the initial, short-term capital costs and lifetime costs and savings that may result from implementation of the strategy.

A strategy for achieving energy efficiency includes facility design and construction.

In determining whether a strategy may result in financial cost to the district, the board shall consider the total net costs and savings that may occur over the seven-year period following implementation of the strategy.

The board may submit the plan to the State Energy Conservation Office for the purposes of determining whether funds available through loan programs administered by the office or tax incentives administered by the state or federal government are available to the district. The board may not disallow any proper allocation of incentives.

Education Code 44.902

Energy Savings Performance Contracts

"Energy savings performance contract" has the meaning assigned by Local Government Code 302.001.

Each energy or water conservation measure must comply with current local, state, and federal construction, plumbing, and environmental codes and regulations. An energy savings performance contract may not include improvements or equipment that allow or cause water from any condensing, cooling, or industrial process or any system of nonpotable usage over which the public water supply system officials do not have sanitary control, to be returned to the potable water supply.

The board may enter into energy savings performance contracts only with persons who are experienced in the design, implementation, and installation of the energy or water conservation measures addressed by the contract.

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Government Code Chapter 2269 (Contracting and Delivery Procedures for Construction Projects) does not apply to energy savings performance contracts.

Performance Bond Before entering an energy savings performance contract, the board shall require the provider of the energy or water conservation measures to file with the board a payment and performance bond relating to the installation of the measures in accordance with Government Code Chapter 2253 (Public Work Performance and Payment Bonds). The board may also require a separate bond to cover the value of the guaranteed savings on the contract.

Financing An energy savings performance contract may be financed:

1. Under a lease/purchase contract that has a term not to exceed 20 years from the final date of installation and that meets federal tax requirements for tax-free municipal leasing or long-term financing.
2. With the proceeds of bonds.
3. Under a contract with the provider of the energy or water conservation measures that has a term not to exceed the lesser of 20 years from the final date of installation or the average useful life of the energy or water conservation or usage measures.

Notwithstanding other law, the board may use any available money to pay the provider of the energy or water conservation measures under these provisions, and the board is not required to pay for such costs solely out of the savings realized by the district under an energy savings performance contract. The board may contract with the provider to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract.

An energy savings performance contract shall contain provisions requiring the provider of the energy or water conservation measures to guarantee the amount of the savings to be realized by the district under the contract. If the term of an energy savings performance contract exceeds one year, the district's contractual obligations in any one year during the term of the contract beginning after the final date of installation may not exceed the total energy, water, wastewater, and operating cost savings, including electrical, gas, water, wastewater, or other utility cost savings and operating cost savings resulting from the measures as determined by the district, divided by the number of years in the contract term.

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Contract
Procurement

An energy savings performance contract shall be let according to the procedures established for professional services by Government Code 2254.004 (the Professional Services Procurement Act). [See CH] Notice of the request for qualifications shall be published in the manner provided for competitive bidding.

Cost Savings
Review

Before entering into an energy savings performance contract, the board must require that the cost savings projected by an offeror be reviewed by a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract under review, and is not otherwise associated with the contract. In conducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment. An engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract. Occupations Code 1001.053 and 1001.407 (Texas Engineering Practice Act) apply to work performed under the contract.

Education Code 44.901

Recycling Program

A district shall:

1. Establish a program for the separation and collection of all recyclable materials generated by the district's operations.
2. Provide procedures for collecting and storing recyclable materials, containers for recyclable materials, and procedures for making contractual or other arrangements with buyers of recyclable materials.
3. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled.
4. Establish educational and incentive programs to encourage maximum employee participation.

Health and Safety Code 361.425; 30 TAC 328.202

Exemptions

These provisions do not apply to a school district with a student enrollment of less than 10,000 students.

A district may exclude one or more recyclable materials from their program if the Texas Commission on Environmental Quality (TCEQ) finds that:

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1. A recycling program for a recyclable material is not available through their solid waste provider; or
2. The inclusion of a recyclable material would create a hardship.

A district may request additional consideration from TCEQ if compliance with these provisions would create a hardship.

30 TAC 328.204

Definitions

“Hardship” means a circumstance that causes unreasonable burden on the governmental entity.

“Recyclable material” means a material generated by the entity's operations, including aluminum, steel containers, aseptic packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard.

30 TAC 328.201(2), (3)

Pools

Generally

For required public pool sanitation and safety standards, see Health and Safety Code 341.064 and .0645 and 25 Administrative Code 265.181–.211.

Drains

Each public pool and spa shall comply with the drain cover standards found at 15 U.S.C. Section 8003. “Public pool and spa” means a swimming pool or spa that is open to the public generally, whether for a fee or free of charge. *15 U.S.C. 8003*

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Note: For information on the new instructional facilities allotment, see CBA.

For additional legal requirements applicable to purchases with federal funds, see CBB.

For information on procuring goods and services under Education Code Chapter 44, see CH.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

For legal requirements related to energy savings performance contracts, see CL.

Definition

“Public work contract” means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. *Gov’t Code 2253.001(4)*

Board Authority

A district may adopt rules as necessary to implement Government Code Chapter 2269. *Gov’t Code 2269.051*

Delegation of
Authority

The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person.

The district shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request.

Gov’t Code 2269.053

[For information regarding delegation in the event of a catastrophe, emergency, or natural disaster, see CH.]

**Contracts Valued at
or Above \$50,000**

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services valued at \$50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for a district [see also CH]:

1. An interlocal contract. *Education Code 44.031(a)(4)* [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. *Education Code 44.031(a)(5)*

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- a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]
 - b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]
 - c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]
 - d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]
 - e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]
 - f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

Education Code 44.031(a); Gov't Code Ch. 2269

Exceptions

*Emergency
Damage or
Destruction*

For information on procurement options when school equipment, a facility, or personal property is destroyed or severely damaged as a result of an unforeseen catastrophe or emergency, under Education Code 44.031, see CH.

*Contracts
Requiring a Bond*

A reverse auction procedure may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see Payment and Performance Bonds, below]. "Reverse auction procedure" has the meaning assigned by Government Code 2155.062 or a procedure similar to that described by Section 2155.062. *Gov't Code 2253.021(h)*

Notice Publication

A board shall advertise or publish notice of requests for bids, proposals, or qualifications in a manner prescribed by law.

For a contract entered into by a board under a method provided by Government Code 2269, the board shall publish notice of the time and place the bid or proposal or request for qualifications will be received and opened in a manner prescribed by law.

Gov't Code 2269.052(a)–(b)

[See CH for additional notice publication requirements.]

**Contract Selection
Criteria**

In determining the award of a contract under Government Code Chapter 2269, the district shall consider and apply:

1. Any existing laws, including any criteria, related to historically underutilized businesses; and

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2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

In determining the award of a contract, the district may consider:

1. The price.
2. The offeror's experience and reputation.
3. The quality of the offeror's goods or services.
4. The impact on the ability of the district to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

Gov't Code 2269.055

Using Method Other Than Competitive Bidding

Determine Best Value

The board that considers a construction contract using a method authorized by Government Code Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the district.

Publish Criteria

The district shall base its selection among offerors on applicable criteria listed for the particular method used. The district shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors and the applicable weighted value for each criterion.

Make Evaluations Public

The district shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded.

Gov't Code 2269.056

Submission

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2269.059*

Right to Work

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, a district:

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1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

Gov't Code 2269.054

Collective
Bargaining

A district awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not:

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or
2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

Gov't Code 2269.0541(a)

Out-of-State Bidders

For legal requirements regarding out-of-state bidders, see CH.

Change Orders

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of \$1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than \$1 million increases the contract amount to \$1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

**Inspection,
Verification, and
Testing**

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services

and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for which it contracts in accordance with Government Code 2254.004. *Gov't Code 2269.058*

Impact Fees

A district is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the board consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board considers advisable to provide for the payment of the fees. *Local Gov't Code 395.022*

Professional Services

Architects and
Engineers

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the district, the district shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see Procuring Professional Services, below].

Gov't Code 2269.057

*Registered
Architect*

An architectural plan or specification for any of the following may be prepared only by an architect:

1. A new building having construction costs exceeding \$100,000 that is to be:
 - a. Constructed and owned by a district; and
 - b. Used for education, assembly, or office occupancy; or
2. An alteration or addition having construction costs exceeding \$50,000 that:
 - a. Is to be made to an existing building that:
 - (1) Is owned by a district; and
 - (2) Is or will be used for education, assembly, or office occupancy; and
 - b. Requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

This provision does not prohibit an owner of a building from contracting with an architect or engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the

scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code Chapter 1001 or 1051.

Occupations Code 1051.703; 22 TAC 1.212

*Registered
Engineer*

A district may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless:

1. The engineering plans, specifications, and estimates have been prepared by an engineer; and
2. The engineering construction is to be performed under the direct supervision of an engineer.

Occupations Code 1001.407

The following work is exempt from Occupations Code Chapter 1001 (Texas Engineering Practice Act):

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is \$8,000 or less; or
2. A public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is \$20,000 or less.

Occupations Code 1001.053

*Certification for
Purchases
Through
Purchasing
Cooperatives*

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative under Government Code Chapter 791 in an amount greater than \$50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupation Code Chapter 1001 or 1051; or
2. The plans and specifications required under Occupation Code Chapters 1001 and 1051 have been prepared.

“Purchasing cooperative” means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov’t Code 791.011(j) [See CH for more information on interlocal contracts and purchasing cooperatives.]

FACILITIES CONSTRUCTION

CV
(LEGAL)

Procuring
Architectural or
Engineering
Services

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect. *Education Code 44.031(f)* [See CH for information on the Professional Services Procurement Act generally.]

In procuring architectural, engineering, or land-surveying services, a district shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, a district shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The district shall continue this process to select and negotiate with providers until a contract is entered into.

Gov't Code 2254.004

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

Contracts for
Engineering or
Architectural
Services

Indemnification

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the district against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

Duty to Defend

Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent,

employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of a district's reasonable attorney's fees in proportion to the engineer's or architect's liability.

*District as
Additional
Insured*

A district may require in a contract for engineering or architectural services to which the district is a party that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

Standard of Care

A contract for engineering or architectural services to which a district is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

In a contract for engineering or architectural services to which a district is a party, a provision establishing a different standard of care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Nothing in these provisions prohibits a district in a contract for engineering or architectural services to which the district is a party from including and enforcing conditions that relate to the scope, fees, and schedule of a project in the contract.

Local Gov't Code 271.904

**Payment and
Performance Bonds**

A district that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the district:

1. A performance bond if the contract is in excess of \$100,000; and
2. A payment bond if the contract is in excess of \$25,000.

A bond required by this provision must be executed by a corporate surety in accordance with Insurance Code Article 7.19-1 (now Insurance Code 3503.001–.005). A bond for a public work contract with a district must be payable to and its form must be approved by the awarding board.

Gov't Code 2253.021(a), (d)–(e)

FACILITIES CONSTRUCTION

CV
(LEGAL)

The performance bond is solely for the protection of the district awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents. *Gov't Code 2253.021(b)*

The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material, and in the amount of the contract. *Gov't Code 2253.021(c)*

Failure to Obtain
Payment Bond

If a district fails to obtain from a prime contractor a payment bond as required above:

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and
2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

Gov't Code 2253.027(a)

Bond for Insured
Loss

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and
2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

FACILITIES CONSTRUCTION

CV
(LEGAL)

*Exception to
Bond
Requirement*

These provisions do not apply to a district when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

Gov't Code 2253.022

**Prevailing Wage on
Public Works**

"Worker" includes a laborer or mechanic. *Gov't Code 2258.001(3)*

A worker employed on a public work by or on behalf of a district shall be paid:

1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and
2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The requirements above do not apply to maintenance work. A worker is employed on a public work for purposes of this provision if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

Gov't Code 2258.021

For a contract for a public work awarded by a district, the board shall determine the general prevailing rate of per diem wages in the district for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or
2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

The board shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A board shall specify in the call for bids for the contract and in the contract itself the wage rates determined under these provisions. The board's determination of the general prevailing rates of per diem wages is final.

Gov't Code 2258.022(a), (c)–(e)

FACILITIES CONSTRUCTION

CV
(LEGAL)

Government Code 2258.022(b) applies to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. *Gov't Code 2258.022(b)*

Enforcement

A board awarding a contract, and an agent or officer of the board, shall:

1. Take cognizance of complaints of all violations of Government Code Chapter 2258 committed in the execution of the contract; and
2. Withhold money forfeited or required to be withheld under Government Code Chapter 2258 from the payments to the contractor under the contract, except that the board may not withhold money from other than the final payment without a determination by the board that there is good cause to believe that the contractor has violated Government Code Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 [see Penalty for Noncompliance, below] by a contractor or subcontractor, a board shall make an initial determination as to whether good cause exists to believe that the violation occurred. A board must make its determination before the 31st day after the date the board receives the information. A board shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

Gov't Code 2258.051–.052(a)–(c)

Retainage and
Reimbursement

A board shall retain any amount due under the contract pending a final determination of the violation. *Gov't Code 2258.052(d)*

Note: Arbitration of unresolved issues is governed by Government Code 2258.053–.055.

A board shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.056(a)–(b)*

FACILITIES CONSTRUCTION

CV
(LEGAL)

Penalty for Noncompliance	The contractor who is awarded a contract by a district or a subcontractor of the contractor shall pay not less than the rates determined under these provisions to a worker employed by it in the execution of the contract. A contractor or subcontractor who violates this provision shall pay to the district on whose behalf the contract is made, \$60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A board awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a board awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as required by these provisions. The board shall use any money collected under this provision to offset the costs incurred in the administration of Government Code Chapter 2258. <i>Gov't Code 2258.023</i>
Criminal Offense	An officer, agent, or representative of a district commits an offense if the person willfully violates or does not comply with a provision of Government Code 2258. <i>Gov't Code 2258.058(a)</i>
Required Workers' Compensation Coverage	A district that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project. Each subcontractor shall provide such a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the district. <i>Labor Code 406.096(a)–(b)</i> A district that enters into a building or construction contract on a project shall: 1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverage, using the language required by 28 Administrative Code 110.110(c)(7). 2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverage as set out in 28 Administrative Code 110.110(d). 3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person beginning work on the project. 4. Obtain from the contractor a new certificate of coverage showing extension of coverage:

FACILITIES CONSTRUCTION

CV
(LEGAL)

- a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
 - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.
7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation.

28 TAC 110.110(c)

Exception

This coverage requirement does not apply to sole proprietors, partners, and corporate officers who meet the requirements of Labor Code 406.097(c), and who are explicitly excluded from coverage in accordance with Labor Code 406.097(a). *28 TAC 110.110(i)*

Definitions

"Persons providing services on the project" includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes but is not limited to independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the project. "Services" includes but is not limited to providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets. *28 TAC 110.110(a)(7)*

"Project" includes the provision of all services related to a building or construction contract for a district. *28 TAC 110.110(a)(8)*

Criminal Offenses

For information on criminal offenses for violations of Education Code 44.031, see CH.

Enforcement Actions

Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the tenth day after the date on which the contract is awarded. *Gov't Code 2269.452*

Defects in Facilities

A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the district fails to comply with this provision, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this provision extends the statute of limitations on the action for a period of 90 days.

The notice must include a copy of the petition and an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.

In an action involving an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the commissioner may join in the action on behalf of the state to protect the state's share in the action.

A district that brings an action under these provisions shall use the net proceeds from the action for:

1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;
2. The replacement of the facility on which the action is brought;
3. The reimbursement of the district for a repair or replacement; or
4. Any other purpose with written approval from the commissioner.

Education Code 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation,

or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code 48.272 applies to the state's share.

Definitions

“Net proceeds” means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

“State’s share” means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code 44.151

*Attorney General
Enforcement*

If the attorney general believes that a district has violated or is violating Education Code 44.151(d), (e), or (f) (use of proceeds, accounting, and the state’s share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

1. A civil penalty in an amount not to exceed \$20,000 for each violation;
2. The attorney general's reasonable costs for investigating and prosecuting the violation; or
3. If applicable, the amount of the state's share.

Education Code 44.152(a)–(b)

Attorney Fees

A governmental contract may not provide for the award of attorney’s fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney’s fees to each other party to the contract if that party prevails in the dispute.

“Governmental contract” means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

Gov’t Code 2252.904

FACILITIES CONSTRUCTION

CV
(LEGAL)

Construction
Liability Claims

To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272. *Gov't Code 2272.002(a)*

FACILITIES CONSTRUCTION

CV
(LOCAL)

Compliance with Law

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

Construction Contracts

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above \$50,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

Note: For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility.

Project Administration

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

Final Payment

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work.

FACILITIES CONSTRUCTION
COMPETITIVE BIDDING

CVA
(LEGAL)

Note: For additional legal requirements applicable to purchases with federal funds, see CBB.

For legal requirements generally applicable to the procurement process, see CH and CV.

“Competitive bidding” is a procurement method by which a district contracts with a contractor for the construction, alteration, rehabilitation, or repair of a facility by awarding the contract to the lowest responsible bidder.

Except as otherwise provided by Government Code Chapter 2269 or other law, a district may contract for the construction, alteration, rehabilitation, or repair of a facility only after the district advertises for bids for the contract in a manner prescribed by law, receives competitive bids, and awards the contract to the lowest responsible bidder.

Gov’t Code 2269.101

Preparation of Request

The district shall prepare a request for competitive bids that includes construction documents, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to submit a bid. *Gov’t Code 2269.103*

Architect/Engineer

The district shall select or designate an architect or engineer in accordance with Occupations Code Chapter 1051 or 1001, as applicable, to prepare the construction documents required for a project to be awarded by competitive bidding. *Gov’t Code 2269.102* [See CV]

Opening Bids

The district shall receive, publicly open, and read aloud the names of the offerors and their bids. *Gov’t Code 2269.104*

Bids may be opened only by the board at a public meeting or by an officer or employee of the district at or in an office of the district. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. Local Government Code Chapter 271, Subchapter B does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid. *Local Gov’t Code 271.026*

The board is entitled to reject any and all bids. *Local Gov’t Code 271.027(a)*

Safety Record

In determining who is a responsible bidder, the district may take into account the safety record of the bidder; of the firm, corporation, partnership, or institution represented by the bidder; or of anyone acting for such firm, corporation, partnership, or institution if:

FACILITIES CONSTRUCTION
COMPETITIVE BIDDING

CVA
(LEGAL)

1. The board has adopted a written definition and criteria for accurately determining the safety record of a bidder.
2. The board has given notice to prospective bidders in the bid specifications that the safety record of a bidder may be considered in determining the responsibility of the bidder.
3. The determinations are not arbitrary and capricious.

Local Gov't Code 271.0275

Identical Bids

If a district is required to accept bids on a contract and receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, the board shall enter into a contract with only one of those bidders and must reject all other bids.

If only one of the bidders submitting identical bids is a resident of the district, the district must select that bidder. If two or more of the bidders submitting identical bids are residents of the district, the district must select one of those bidders by the casting of lots. In all other cases, the district must select from the identical bids by the casting of lots.

The casting of lots must be in a manner prescribed by the board and must be conducted in the presence of the board. All qualified bidders or their legal representatives may be present at the casting of lots.

These provisions do not prohibit a district from rejecting all bids. These provisions apply to all districts required by general or special law to accept bids and award contracts on the basis of the lowest and best bid, but do not apply to bidding for contracts to act as a depository for school funds under Education Code Chapter 45, Subchapter G [see BDAE].

Local Gov't Code 271.901

**Make Evaluations
Public**

Not later than the seventh day after the date the contract is awarded, the district shall document the basis of its selection and shall make the evaluations public. *Gov't Code 2269.105*

**Applicability of Other
Competitive Bidding
Laws**

Except as otherwise specifically provided in this policy, Local Government Code Chapter 271, Subchapter B (Competitive Bidding on Certain Public Works Contracts), does not apply to the competitive bidding process conducted under this policy. *Gov't Code 2269.106*

FACILITIES CONSTRUCTION
COMPETITIVE SEALED PROPOSALS

CVB
(LEGAL)

Note: For additional legal requirements applicable to purchases with federal funds, see CBB.

For legal requirements generally applicable to the procurement process, see CH and CV.

“Competitive sealed proposals” is a procurement method by which a district requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a general contractor for the construction, rehabilitation, alteration, or repair of a facility. In selecting a contractor through competitive sealed proposals, a district shall follow the procedures provided by Government Code 2269, Subchapter D. *Gov’t Code 2269.151*

**Request for
Proposals**

The district shall prepare a request for competitive sealed proposals that includes construction documents, selection criteria and the weighted value for each criterion, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to respond to the request. *Gov’t Code 2269.153*

Architect/Engineer

The district shall select or designate an architect or engineer to prepare construction documents for the project. *Gov’t Code 2269.152* [See CV]

Opening Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and any monetary proposals made by the offerors. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria. *Gov’t Code 2269.154*

Selection

The district shall select the offeror that submits the proposal that offers the best value for the district based on:

1. The selection criteria in the request for proposal and the weighted value for those criteria in the request for proposal; and
2. Its ranking evaluation.

The district shall first attempt to negotiate a contract with the selected offeror. The district and its architect or engineer may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the

FACILITIES CONSTRUCTION
COMPETITIVE SEALED PROPOSALS

CVB
(LEGAL)

selection ranking until a contract is reached or all proposals are rejected.

Gov't Code 2269.155

Note: For additional legal requirements applicable to purchases with federal funds, see CBB.

For legal requirements generally applicable to the procurement process, see CH and CV.

The “construction manager-agent method” is a delivery method by which a district contracts with a construction manager-agent to provide consultation or administrative services during the design and construction phase and to manage multiple contracts with various construction prime contractors.

A construction manager-agent is a sole proprietorship, partnership, corporation, or other legal entity that serves as the agent for the district by providing construction administration and management services described above for the construction, rehabilitation, alteration, or repair of a facility. A district may retain a construction manager-agent only as provided by Government Code Chapter 2269, Subchapter E.

Gov’t Code 2269.201

The contract between the district and the construction manager-agent may require the construction manager-agent to provide administrative personnel, equipment necessary to perform duties under this policy, on-site management, and other services specified in the contract. *Gov’t Code 2269.201–.202*

A construction manager-agent may not:

1. Self-perform any aspect of the construction, rehabilitation, alteration, or repair of the facility.
2. Be a party to a construction subcontract for the construction, rehabilitation, alteration, or repair of the facility.
3. Provide or be required to provide performance and payment bonds for the construction, rehabilitation, alteration, or repair of the facility.

Gov’t Code 2269.203

A construction manager-agent represents the district in a fiduciary capacity. *Gov’t Code 2269.204*

Architect/Engineer

On or before the selection of a construction manager-agent, the district shall select or designate an architect or engineer in accordance with Occupations Code Chapter 1051 or 1001, as applicable, to prepare the construction documents for the project. [See CV]

FACILITIES CONSTRUCTION
CONSTRUCTION MANAGER-AGENT

CVC
(LEGAL)

The district's architect or engineer may not serve, alone or in combination with another person, as the construction manager-agent unless the architect or engineer is hired to serve as the construction manager-agent under a separate or concurrent selection process conducted in accordance with this policy. This provision does not prohibit the district's architect or engineer from providing customary construction-phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

To the extent that the construction manager-agent's services are defined as part of the practice of architecture or engineering under Occupations Code Chapter 1051 or 1001 those services must be conducted by a person licensed under the applicable chapter.

Gov't Code 2269.205

**Selection of
Construction
Manager-Agent**

A district shall select a construction manager-agent on the basis of demonstrated competence and qualifications in the same manner that an architect or engineer is selected under Government Code 2254.004. *Gov't Code 2269.207* [See CV]

Insurance

A construction manager-agent selected under this policy shall maintain professional liability or errors and omissions insurance in the amount of at least \$1 million for each occurrence. *Gov't Code 2269.208*

**Selection of
Contractors**

A district using the construction manager-agent method shall procure, in accordance with applicable law and in any manner authorized by Government Code Chapter 2269, a general contractor or trade contractors who will serve as the prime contractor for their specific portion of the work and provide performance and payment bonds to the district in accordance with applicable laws. *Gov't Code 2269.206*

Note: For additional legal requirements applicable to purchases with federal funds, see CBB.

For legal requirements generally applicable to the procurement process, see CH and CV.

The “construction manager-at-risk method” is a delivery method by which a district contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility.

A construction manager-at-risk is a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a facility at the contracted price as a general contractor and provides consultation to the district regarding construction during and after the design of the facility. The contracted price may be a guaranteed maximum price. A district may use the construction manager-at-risk method in selecting a general contractor for the construction, rehabilitation, alteration, or repair of a facility only as provided by Government Code Chapter 2269, Subchapter F.

Gov’t Code 2269.251

Architect/Engineer

On or before the selection of a construction manager-at-risk, the district shall select or designate an architect or engineer or architect to prepare the construction documents for the project. [See CV]

The district’s architect or engineer for a project, or an entity related to the district’s architect or engineer, may not serve, alone or in combination with another, as the construction manager-at-risk. This provision does not prohibit the district’s engineer or architect from providing customary construction phase services under the architect’s or engineer’s original professional service agreement in accordance with applicable licensing laws.

An entity is related to the district’s architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the district’s architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk’s payments from the district.

Gov’t Code 2269.252

FACILITIES CONSTRUCTION
CONSTRUCTION MANAGER-AT-RISK

CVD
(LEGAL)

Selection Process

The district shall select the construction manager-at-risk in a one-step or two-step process. A district shall prepare a single request for proposals, in the case of a one-step process, and an initial request for qualifications, in the case of a two-step process, that includes:

1. A statement as to whether the selection process is a one-step or two-step process;
2. General information on the project site, project scope, schedule, selection criteria and the weighted value for each criterion, and estimated budget and the time and place for receipt of the proposals or qualifications; and
3. Other information that may assist a district in its selection of a construction manager-at-risk.

The district shall state the selection criteria in the request for proposals or qualifications.

If a one-step process is used, the district may request, as part of the offeror's proposal, proposed fees and prices for fulfilling the general conditions. If a two-step process is used, the district may not request fees or prices in step one. In step two, the district may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and prices for fulfilling the general conditions.

Gov't Code 2269.253(a)–(e)

**Opening and
Evaluating
Proposals**

At each step, the district shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, the district shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened. Not later than the 45th day after the date on which the final proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the criteria set forth in the request for proposals. *Gov't Code 2269.253(f)–(g)*

Selection

The district shall select the offeror that submits the proposal that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end. *Gov't Code 2269.254(a)–(c)*

FACILITIES CONSTRUCTION
CONSTRUCTION MANAGER-AT-RISK

CVD
(LEGAL)

**Make Rankings
Public**

Not later than the seventh day after the date the contract is awarded, the district shall make the proposal rankings public. *Gov't Code 2269.254(d)*

**Trade Contractors/
Subcontractors**

A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions. A construction manager-at-risk may seek to perform portions of the work itself if:

1. The construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and
2. The district determines that the construction manager-at-risk's bid or proposal provides the best value for the district.

Gov't Code 2269.255

Bids or Proposals

The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or district. All bids or proposals shall be made available to the district on request and to the public after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals. *Gov't Code 2269.256(a)*

If the construction manager-at-risk reviews, evaluates, and recommends to the district a bid or proposal from a trade contractor or subcontractor but the district requires another bid or proposal to be accepted, the district shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk incurs because of the district's requirement that another bid or proposal be accepted. *Gov't Code 2269.256(b)*

Default

If a selected trade contractor or subcontractor defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this policy, the construction manager-at-risk may itself fulfill, without advertising, the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements. *Gov't Code 2269.257*

**Payment and
Performance Bond**

If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the district must each be in an amount equal to the construction budget,

as specified in the request for proposals or qualifications. The construction manager-at-risk shall deliver the bonds not later than the tenth day after the date the construction manager-at-risk executes the contract unless the construction manager-at-risk furnishes a bid bond or other financial security acceptable to the district to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established. *Gov't Code 2269.258* [See CV for more information on payment and performance bonds.]

Note: For additional legal requirements applicable to purchases with federal funds, see CBB.

For legal requirements generally applicable to the procurement process, see CH and CV.

“Design-build” is a project delivery method by which a district contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility. *Gov’t Code 2269.301*

This policy applies only to a facility that is a building or an associated structure, including an electric utility structure. This policy does not apply to:

1. A highway, road, street, bridge, underground utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or
2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

Gov’t Code 2269.302

A district may use the design-build method for the construction, rehabilitation, alteration, or repair of a building or associated structure only as provided by Government Code Chapter 2269, Subchapter G. In using that method, the district shall enter into a single contract with a design-build firm for the design and construction of the building or associated structure. *Gov’t Code 2269.303*

Design-Build Firm

A design-build firm under this policy must be a sole proprietorship, partnership, corporation, or other legal entity or team that includes an architect or engineer and a construction contractor. *Gov’t Code 2269.304*

Architect/Engineer

The district shall select or designate an architect or engineer independent of the design-build firm to act as the district’s representative for the duration of the project. *Gov’t Code 2269.305* [See CV]

**Request for
Qualifications**

The district shall prepare a request for qualifications that includes general information on the project site, project scope, budget, special systems, selection criteria and the weighted value for each criterion, and other information that may assist potential design-build firms in submitting proposals for the project. *Gov’t Code 2269.306(a)*

FACILITIES CONSTRUCTION
DESIGN-BUILD

CVE
(LEGAL)

	The district may not require offerors to submit architectural or engineering designs as part of a proposal or a response to a request for qualifications. <i>Gov't Code 2269.306(d)</i>
Design Criteria Package	The district shall also prepare the design criteria package that includes more detailed information on the project. If the preparation of the design criteria package requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, those services shall be provided in accordance with the applicable law. <i>Gov't Code 2269.306(b)</i> The design criteria package must include a set of documents that provides sufficient information, including criteria for selection, to permit a design-build firm to prepare a response to the district's request for qualifications and to provide any additional information requested. The design criteria package must specify criteria the district considers necessary to describe the project and may include, as appropriate, the legal description of the site, survey information concerning the site, interior space requirements, special material requirements, material quality standards, conceptual criteria for the project, special equipment requirements, cost or budget estimates, time schedules, quality assurance and quality control requirements, site development requirements, applicable codes and ordinances, provisions for utilities, parking requirements, and any other requirement. <i>Gov't Code 2269.306(c)</i>
Evaluation <i>Qualification</i>	For each design-build firm that responded to the request for qualifications, the district shall evaluate the firm's experience, technical competence, and capability to perform, the past performance of the firm and members of the firm, and other appropriate factors submitted by the firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted. Each firm must certify to the district that each architect or engineer that is a member of the firm was selected based on demonstrated competence and qualifications, in the manner provided by Government Code 2254.004. A district shall qualify a maximum of five responders to submit proposals that contain additional information and, if the district chooses, to interview for final selection. <i>Gov't Code 2269.307(a)–(c)</i>
<i>Proposals</i>	The district shall evaluate the additional information submitted by the offerors on the basis of the selection criteria stated in the request for qualifications and the results of any interview. The district may request additional information regarding demonstrated competence and qualifications, considerations of the safety and long-

FACILITIES CONSTRUCTION
DESIGN-BUILD

CVE
(LEGAL)

term durability of the project, the feasibility of implementing the project as proposed, the ability of the offeror to meet schedules, or costing methodology.

“Costing methodology” means an offeror’s policies on subcontractor markup, definition of general conditions, range of cost for general conditions, policies on retainage, policies on contingencies, discount for prompt payment, and expected staffing for administrative duties. The term does not include a guaranteed maximum price or bid for overall design or construction.

Gov’t Code 2269.307(d)–(e)

The district shall rank each proposal submitted on the basis of the criteria set forth in the request for qualifications. *Gov’t Code 2269.307(f)*

Selection

The district shall select the design-build firm that submits the proposal offering the best value for the district on the basis of the published selection criteria and on its ranking evaluations.

The district shall first attempt to negotiate a contract with the selected firm. If the district is unable to negotiate a satisfactory contract with the selected firm, the district shall, formally and in writing, end all negotiations with that firm and proceed to negotiate with the next firm in the order of the selection ranking until a contract is reached or negotiations with all ranked firms end.

Gov’t Code 2269.308(a)–(c)

**Make Rankings
Public**

Not later than the seventh day after the date the contract is awarded, the district shall make the proposal rankings public. *Gov’t Code 2269.308(d)*

Design

After selection of the design-build firm, that firm’s architects or engineers shall submit all design elements for review and determination of scope compliance to the district or the district’s architect or engineer before or concurrently with construction. *Gov’t Code 2269.309*

**Final Construction
Documents**

The design-build firm shall supply a set of construction documents for the completed project to the district at the conclusion of construction. The documents must note any changes made during construction. *Gov’t Code 2269.310*

**Payment or
Performance Bond**

A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm under this policy.

Amount

If a fixed contract amount or guaranteed maximum price has not been determined at the time the design-build contract is awarded,

the penal sums of the performance and payment bonds delivered to the district must each be in an amount equal to the construction budget, as specified in the design criteria package. The design-build firm shall deliver the bonds not later than the tenth day after the date the design-build firm executes the contract, unless the design-build firm furnishes a bid bond or other financial security acceptable to the district to ensure that the design-build firm will furnish the required performance and payment bonds before construction begins.

Gov't Code 2269.311 [See CV for more information on payment and performance bonds]

Note: For additional legal requirements applicable to purchases with federal funds, see CBB.

For legal requirements generally applicable to the procurement process, see CH and CV.

“Job order contracting” is a procurement method used for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite. *Gov’t Code 2269.401*

This policy applies only to a facility that is a building, the design and construction of which is governed by accepted building codes, or a structure or land, whether improved or unimproved, that is associated with a building. This policy does not apply to:

1. A highway, road, street, bridge, utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or
2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

Gov’t Code 2269.402

A district may award job order contracts for the maintenance, repair, alteration, renovation, remediation, or minor construction of a facility if the work is of a recurring nature but the delivery times are indefinite, and indefinite quantities and orders are awarded substantially on the basis of predescribed and prepriced tasks. The district shall establish the maximum aggregate contract price when it advertises the proposal. The board shall approve each job, task, or purchase order that exceeds \$500,000. *Gov’t Code 2269.403*

Establishing Unit Prices

The district may establish contractual unit prices for a job order contract by:

1. Specifying one or more published construction unit price books and the applicable divisions or line items; or
2. Providing a list of work items and requiring the offerors to propose one or more coefficients or multipliers to be applied to the price book or prepriced work items as the price proposal.

Gov’t Code 2269.404

FACILITIES CONSTRUCTION
JOB ORDER CONTRACTS

CVF
(LEGAL)

**Competitive Sealed
Proposal Method**

A district may use the competitive sealed proposal method under Government Code Chapter 2269, Subchapter D for job order contracts. [See CVB] The district shall advertise for, receive, and publicly open sealed proposals for job order contracts. The district may require offerors to submit information in addition to rates, including experience, past performance, and proposed personnel and methodology. *Gov't Code 2269.405*

Architect or
Engineer

If a job order contract or an order issued under the contract requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, a district shall select or designate an architect or engineer to prepare the construction documents for the project. [See CV]

This provision does not apply to a job order contract or an order issued under the contract for industrialized housing, industrialized buildings, or relocatable educational facilities subject to and approved under Occupations Code Chapter 1202 if the contractor employs the services of an architect or engineer who approves the documents for the project.

Gov't Code 2269.408

Awarding Contracts

The district may award job order contracts to one or more job order contractors in connection with each solicitation of proposals. *Gov't Code 2269.406*

Contract Term

The base term for a job order contract may not exceed two years. The district may renew the contract annually for not more than three additional years. *Gov't Code 2269.409*

Use of Contract

A job order contract may be used to accomplish work only for the district that awards the contract unless:

1. The solicitation for the job order contract and the contract specifically provide for use by other persons; or
2. The district enters into an interlocal agreement that provides otherwise.

Gov't Code 2269.407

Job Orders

An order for a job or project under a job order contract must be signed by the district's representative and the contractor. The order may be:

1. A fixed-price, lump-sum contract based substantially on contractual unit pricing applied to estimated quantities; or

2. A unit price order based on the quantities and line items delivered.

Gov't Code 2269.410

Bonds

The contractor shall provide payment and performance bonds, if required by law, based on the amount or estimated amount of any order. *Gov't Code 2269.411* [See CV for more information on payment and performance bonds.]

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

**Leave
Administration**

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, using, or recording leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

Catastrophic Illness
or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

**State Leave
Proration**

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used.

**Nondiscretionary
Use**

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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(LOCAL)

<i>Request for Leave</i>	In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.
Local Leave	Each employee shall earn five paid local leave days per school year in accordance with administrative regulations. Local leave shall accumulate without limit. Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]
Sick Leave Bank	The District shall establish a sick leave bank that employees may join through contribution of local leave. Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave and any applicable compensatory time. The Superintendent shall develop regulations for the operation of the sick leave bank that address the following: 1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member; 2. Procedures to request leave from the sick leave bank; 3. The maximum number of days per school year a member employee may receive from the sick leave bank; 4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and 5. Other procedures deemed necessary for the operation of the sick leave bank.
Appeal	An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.
Unpaid Leave	A full-time employee who has worked for the District in a full-time capacity for less than 12 consecutive months preceding the need for leave shall be granted in a school year a maximum of 30 work-days of unpaid leave to be used:

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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(LOCAL)

1. For the employee's personal illness or injury, including pregnancy-related illness or injury;
2. For absences related to the illness, injury, or disability of a member of the employee's immediate family; or
3. For the birth, adoption, or placement of a child.

To be eligible for unpaid leave, the employee shall have been absent for at least five consecutive workdays.

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Note: See DECA(LEGAL) for provisions addressing FMLA.

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an employee uses FMLA leave.

Combined Leave for Spouses

When both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks.

Intermittent or Reduced Schedule Leave

The District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.

Certification of Leave

When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.

Fitness-for-Duty Certification

In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.

Leave at the End of Semester

When a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester.

Temporary Disability Leave

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.

The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.

**Workers'
Compensation**

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance.

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

Paid Leave Offset

The District shall permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

**Payment for
Accumulated Leave
Upon Retirement**

The following leave provisions shall apply to state and local leave accumulated beginning on the original effective date of this program.

An employee who retires from the District shall be eligible for payment for accumulated state and local leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides advance written notice of intent to retire three months before the last day of instruction.
3. The employee has at least 15 years of continuous service with the District.
4. The employee has maintained a 95 percent attendance rate for each of the three years preceding retirement, excluding absences for approved FMLA leave.

The employee shall receive payment for each day of accumulated state and local leave, to a maximum of 40 days, at half of the employee's daily rate of pay in the final year of service. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

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(LOCAL)

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

Exception

At the option of the District, the employee may be absent from work with full pay for the final 30 workdays of employment instead of receiving payment for accumulated leave upon retirement.

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

Purpose

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. A district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

Required Curriculum

Foundation
Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

Enrichment
Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
 - a. Physical health, including the importance of proper nutrition and exercise;

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

- b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
- 3. Physical education;
 - 4. Fine Arts;
 - 5. Career and technical education;
 - 6. Technology applications;
 - 7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - 8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Positive Character
Traits

Beginning with the 2021–22 school year, districts are required to provide instruction in the essential knowledge and skills for positive character traits outlined in 19 Administrative Code Chapter 120, Subchapter A at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.1

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

Local Credit	A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. <i>Education Code 28.002(f); 19 TAC 74.1(b)</i>
Local Instructional Plan	A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.
Major Curriculum Initiatives	Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that: 1. Includes teacher input; 2. Provides district employees with the opportunity to express opinions regarding the initiative; and 3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative. <i>Education Code 28.002(g)</i>
Common Core State Standards	A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. <i>Education Code 28.002(b-1), (b-3), (b-4)</i>
Scope and Sequence	In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. <i>Education Code 28.0027(a)</i>
Coordinated Health Programs	TEA shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to: 1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

Type 2 diabetes and programs designed to promote the role of proper nutrition;

2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and
3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

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Student/Teacher Ratio	The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to: 1. Carry out the purposes of and requirements for the physical education curriculum; and 2. Ensure the safety of students participating in physical education. If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained. <i>Education Code 25.114, 28.002(d); 19 TAC 74.37</i>
Classification for Physical Education	A district shall classify students for physical education on the basis of health into one of the following categories: 1. Unrestricted—not limited in activities. 2. Restricted—excludes the more vigorous activities. Restricted classification is of two types: a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student. b. Temporary—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration. 3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas. <i>19 TAC 74.31</i>
School Health Advisory Council	A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. <i>Education Code 28.004(a)</i> [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements]
Duties	The SHAC's duties include recommending:

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1. The number of hours of instruction to be provided in:
 - a. Health education in kindergarten through grade 8; and
 - b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
 - a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
 - b. Physical education and physical activity;
 - c. Nutrition services;
 - d. Parental involvement;
 - e. Instruction on substance abuse prevention;
 - f. School health services, including mental health services;
 - g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - h. A safe and healthy school environment; and
 - i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:
 - a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
 - b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - c. A safe and healthy school environment; and

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- d. School employee wellness;
- 5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;
- 6. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and
- 7. Strategies to increase parental awareness regarding:
 - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
 - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

Education Code 28.004(c), (n)

Policy
Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students.
Education Code 28.004(l)

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

**Content of Human
Sexuality Instruction**

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

- 1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;

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2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes

If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX]

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;
2. A statement of the parent's right to:
 - a. Review curriculum materials as provided by Education Code 28.004(j); and
 - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

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3. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

Education Code 28.004(i)–(i-1)

Availability of
Materials

A district shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. *Education Code 28.004(j)* [See EFA regarding selection of curriculum materials for human sexuality instruction]

Character Education

A district must adopt a character education program that includes the following positive character education traits:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
8. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

Note: The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

Nondiscrimination

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)* [See also FB]

**Free Appropriate
Public Education
(FAPE)**

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*

“Free appropriate public education” (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by the Texas Education Agency (TEA);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student’s individualized education program (IEP).

20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36

**Least Restrictive
Environment**

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

Discipline

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter 37, and 19 Administrative Code 89.1053. *19 TAC 89.1050(k)* [See FOF]

**Instructional
Arrangements and
Settings**

Mainstream

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following:

The mainstream instructional arrangement/setting is for providing special education and related services to a student in the regular classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student and/or the student's regular classroom teacher(s) necessary to enrich the regular classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP.

Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, educational aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her regular classroom teacher(s) regarding the student's progress in regular education classes, staff development, and reduction of ratio of students to instructional staff.

Homebound

The homebound instructional arrangement/setting is for providing special education and related services to students who are served at home or hospital bedside.

Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States. Homebound or hospital bedside instruction may, as provided by local district policy [see EEH(LOCAL)], also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in 19 Administrative Code 1005(b).

Home instruction may also be used for services to infants and toddlers (birth through age 2) and young children (ages 3–5) when determined appropriate by the child's individualized family services plan (IFSP) committee or ARD committee.

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Hospital Class	The hospital class instructional arrangement/setting is for providing special education instruction in a classroom, a hospital facility, or a residential care and treatment facility not operated by the district. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and are not to be considered as in a hospital class.
Speech Therapy	The speech therapy instructional arrangement/setting is for providing speech therapy services whether in a regular education classroom or in a setting other than a regular education classroom. When the only special education or related service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement.
Resource Room/Services	The resource room/services instructional arrangement/setting is for providing special education and related services to a student in a setting other than regular education for less than 50 percent of the regular school day.
Self-Contained (Mild, Moderate, or Severe) Regular Campus	The self-contained (mild, moderate, or severe) regular campus instructional arrangement/setting is for providing special education and related services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus.
Off-Home Campus	The off-home campus instructional arrangement/setting is for providing special education and related services to the following, including, but not limited to, students at South Texas Independent School District and Windham School District: 1. A student who is one of a group of students from more than one district served in a single location when a free appropriate public education is not available in the respective sending district; 2. A student in a community setting or environment (not operated by a school district) that prepares the student for post-secondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives, including a student with regularly scheduled instruction or direct involvement provided by district personnel or a student in a facility not operated by a school district (other than a nonpublic day school) with instruction provided by district personnel; or 3. A student in a self-contained program at a separate campus operated by the district that provides only special education and related services.

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Nonpublic Day School	The nonpublic day school instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school for special education.
Vocational Adjustment Class/Program	The vocational adjustment class/program instructional arrangement/setting is for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's individual transition goals and only after the district's career and technical education classes have been considered and determined inappropriate for the student.
Residential Care and Treatment Facility (Not District Resident)	The residential care and treatment facility (not district resident) instructional arrangement/setting is for providing special education instruction and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district providing educational services to the students. In order to be considered in this arrangement, the services must be provided on a district campus. If the instruction is provided at the facility, rather than on a district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement. Students with disabilities who reside in these facilities may be included in the average daily attendance of the district in the same way as all other students receiving special education.
State-Supported Living Center	The state-supported living center instructional arrangement/setting is for providing special education and related services to a student who resides at a state-supported living center when the services are provided at the state-supported living center location. If services are provided on a local district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting. <i>19 TAC 89.63(c), .1005(b)</i>
Other Program Options	Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA. <i>19 TAC 89.63(f), .1005(f)</i>
Regular School Day	Subject to 19 Administrative Code 89.1075(e) (General Program Requirements and Local District Procedures) [see EHBAB], for the purpose of determining the student's instructional arrangement/set-

ting, the regular school day is defined as the period of time determined appropriate by the admission, review, and dismissal (ARD) committee. *19 TAC 89.1005(b)*

**Nonpublic Day
School Placements**

For nonpublic day school placements [see Nonpublic Day School, above], the district or shared service arrangement shall submit information to TEA indicating the students' identification numbers, initial dates of placement, and the names of the facilities with which the district or shared service arrangement is contracting. The district or shared service arrangement shall not count contract students' average daily attendance as eligible. TEA shall determine the number of contract students reported in full-time equivalents and pay state funds to the district according to the formula prescribed in law. *19 TAC 89.1005(e)*

Related Services

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

20 U.S.C. 1401(26); 34 C.F.R. 300.34

**Extended School
Year Services**

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories

of disability or unilaterally limit the type, amount, or duration of ESY services.

34 C.F.R. 300.106; 19 TAC 89.1065

Off-Campus Program

An off-campus program includes special education and related services provided during school hours in a facility other than a school district campus.

Program Provider

An off-campus program provider is an entity that provides the services identified above and includes:

1. A county system operating under application of former law as provided in Education Code 11.301;
2. A regional education service center established under Education Code, Chapter 8;
3. A nonpublic day school; or
4. Any other public or private entity with which a school district enters into a contract under Education Code 11.157(a), for the provision of special education services in a facility other than a district campus operated by a district.

19 TAC 89.1094(a)(2)–(3)

Program Placement

A district may contract with an off-campus program provider to provide some or all of the special education and related services to a student in accordance with the requirements in 19 Administrative Code 89.1094.

Before the district places a student with a disability in, or refers a student to, an off-campus program, the district shall initiate and conduct:

1. An onsite review to ensure that the off-campus program is appropriate for meeting the student's educational needs; and
2. A meeting of the student's ARD committee to develop an IEP for the student in accordance with 34 C.F.R. 300.320–.325, state statutes, and commissioner of education rules in 19 Administrative Code Chapter 89 (Commissioner's Rules Concerning Special Education Services).

The appropriateness of the off-campus program for each student placed shall be documented in the IEP annually. The student's ARD committee may only recommend an off-campus program placement for a student if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated in the

district. The district must follow the requirements of 19 Administrative Code 89.1094(b)(3)(A)–(C), regarding the review of the placement of the off-campus program for each student.

The placement of more than one student in the same off-campus program facility may be considered in the same on-site visit to a facility. However, the IEP of each student must be individually reviewed, and a determination of appropriateness of placement and services must be made for each student.

19 TAC 89.1094(b)

Notification and
Review

Within 30 calendar days from an ARD committee's decision to place or continue the placement of a student in an off-campus program, a district must electronically submit to TEA notice of, and information regarding, the placement in accordance with submission procedures specified by TEA.

If the off-campus program is on the commissioner's list of approved off-campus programs, TEA will review the student's IEP and placement as required by 34 C.F.R. 300.120, and, in the case of a placement in or referral to a private school or facility, 34 C.F.R. 300.146. After review, TEA will notify the district whether federal or state funds for the off-campus program placement are approved. If TEA does not approve the use of funds, it will notify the district of the basis for the non-approval.

If the off-campus program is not on the commissioner's list of approved off-campus programs, TEA will begin the approval procedures described below. Districts must ensure there is no delay in implementing a child's IEP in accordance with 34 C.F.R. 300.103(c).

If an off-campus program placement is ordered by a special education hearing officer or court of competent jurisdiction, the district must notify TEA of the order within 30 calendar days. The off-campus program serving the student is not required to go through the approval procedures described in 19 Administrative Code 89.1094 for the ordered placement. If, however, the district or other districts intend to place other students in the off-campus program, the off-campus program will be required to go through the approval procedures to be included on the commissioner's list of approved off-campus programs.

19 TAC 89.1094(c)

Approval

Off-campus programs must have their educational programs approved for contracting purposes by the commissioner in accordance with 19 Administrative Code 89.1094(d).

Funding Procedures	The cost of off-campus program placements will be funded according to Education Code 48.102 and 19 Administrative Code 89.1005(e).
Contracts	Contracts between districts and approved off-campus programs must not exceed a district's fiscal year and shall not begin prior to July 1 of the contracted fiscal year. Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change in placement or services within the school district's fiscal year. <i>19 TAC 89.1094(e)(1)–(2)</i>
Change of Residence	If a student who is placed in an off-campus program by a district changes his or her residence to another Texas district during the school year, the district must notify TEA within ten calendar days of the date on which the district ceased contracting with the off-campus program for the student's placement. The student's new district must meet the requirements of 34 C.F.R. 300.323(e), by providing comparable services to those described in the student's IEP from the previous district until the new district either adopts the student's IEP from the previous district or develops, adopts, and implements a new IEP. The new district must comply with all procedures described in 19 Administrative Code 89.1094 for continued or new off-campus program placement. <i>19 TAC 89.1094(e)(3)</i>

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Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

*Private School
Students*

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)–(iv) [See EHBAC regarding students in nondistrict placement.]

*Preschool
Students*

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

**Requests and
Referrals for
Evaluation**

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, TEA, another state agency, or the district may initiate a request for an initial evaluation.

District Obligation to
Refer

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any

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specific length of time prior to a referral being made or a full individual and initial evaluation being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. A referral for a full individual and initial evaluation may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. *19 TAC 89.1011(a)*

Parental Request

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

19 TAC 89.1011(b); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation
Required

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

*Consent for Initial
Evaluation*

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

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Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the
State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

*Time Frame for
Completion of
Written Report*

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later

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than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

"School day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfer
Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school district agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education Code 29.004; 19 TAC 89.1011

*Psychological
Examinations*

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and

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shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

**Eligibility and
Reevaluations**

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code 29.003, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040*

**Visual and Auditory
Impairments**

A student with a visual or auditory impairment shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

**Determination of
Initial Eligibility**

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th

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day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Time Frame for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

19 TAC 89.1011(d), (e)

Consent for
Services

*Initial Provision of
Services*

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

*Revoking
Consent*

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and

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4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and
2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for
Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). *19 TAC 89.1070(g)*

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Independent
Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

*At Public
Expense*

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

*At Private
Expense*

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

**Prescription
Medication**

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

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**Admission, Review,
and Dismissal
Committee**

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

**Committee
Members**

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;

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9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;
10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)

*Regular
Education
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

*Parent
Involvement*

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and

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that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and

2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)

*Alternative
Means of
Meeting
Participation*

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

*Meeting at
Parent's Request*

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with

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written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Transfer Students

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The time line for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from
Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the time lines established by 19 Administrative Code 89.1011(c) and (e). The time line for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the time line for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1050(j)

Transfer of Records

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of

special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)

**Students Who Are
Homeless or in
Substitute Care**

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C [See FDD]*

**Individualized
Education Program**

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;

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2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];
12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];

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13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;
14. The date of the meeting;
15. The name, position, and signature of each member participating in the meeting; and
16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Behavioral
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

Translation of IEP
into Native
Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from

providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1050(i)

Autism/Pervasive
Developmental
Disorder

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;

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8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(e)–(f)

*Visual
Impairment*

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

*Collaborative
Process*

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

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These requirements do not prohibit the ARD committee from re-cessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

*Failure to Reach
Agreement*

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

Education Code 29.005(c); 19 TAC 89.1050(g)

Modification of
Existing IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)–(F); 34 C.F.R. 300.324(a)(4)–(6)

**Teacher Access to
IEP**

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

**Teacher Request to
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(d)

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**Private School—
District Placed**

Student Receives
IEP

If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. *20 U.S.C. 1412(a)(10)(B)(i)*

**Private School—
Parent Placed**

When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). *19 TAC 89.1096(b)*

Offer of FAPE
Rejected

*Student Receives
ISP*

If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. *20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)*

FAPE Offered but
Not Provided

Reimbursement

If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at 34 C.F.R. 300.148(d). *20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)*

**Home School
Students**

A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. *19 TAC 89.1096(a)(2)*

**Individualized
Services Plan (ISP)**

Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

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public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

34 C.F.R. 300.137, .138

Dual Enrollment

Parents shall have the right to “dual enroll” an eligible student age three or four in both the public school and a private school beginning on the student’s third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district’s kindergarten program, whichever comes first, subject to the following:

1. The student’s ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

19 TAC 89.1096(c)

Responsible District

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

19 TAC 89.1096(c), (d)

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Transportation

If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

District Charter Schools

A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. *20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)*

Residential Facilities

Identification of
Students

If a residential facility that is licensed by appropriate state agencies is located within the district's boundaries, the district must provide special education and related services to eligible students residing in the facility.

If, after contacting the facility to offer services to eligible students with disabilities, a district determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the district is not required to provide services. However, a district shall annually contact the facility to offer services to eligible students with disabilities.

19 TAC 89.1001(c)

District Placements

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for a student with a disability when the ARD committee determines that a residential placement is necessary for the student to receive FAPE. Contracts for residential placement must be approved by the commissioner. *Education Code 29.008(a); 19 TAC 89.61(a), .1092*

If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents. *34 C.F.R. 300.104*

If a district contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. *Education Code 29.008(d)*

Further, a district shall have the responsibilities set forth at 19 Administrative Code 89.61 and 89.1092(a)(4) regarding students in residential placements. A district must contract with residential placements in accordance with 19 Administrative Code 89.1092.

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Notification	Within 30 calendar days from an ARD committee's decision to place a student in a residential education program, a district must electronically submit to TEA notice of and information regarding the placement in accordance with submission procedures specified by TEA. <i>19 TAC 89.1092(b)</i>
Out-of-State Placements	If a district contracts for an out-of-state residential placement, it shall do so in accordance with the rules for in-state residential placement, except that the facility shall be approved by the appropriate agency in the state in which the facility is located rather than by the Texas commissioner of education. <i>19 TAC 89.61(c)(3)</i>
School for the Blind and Visually Impaired and School for the Deaf	A district shall share the cost of education (excluding the summer program) for each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf. Before considering the student's educational placement for special education services, a district shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired: 1. The availability of programs offered. 2. The eligibility and admissions requirements. 3. The student's rights to admission and to appeal admission decisions. <i>Education Code 30.003(a), .004(a); 19 TAC 89.62</i> A district may request services through the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf in accordance with 19 Administrative Code 89.1085. <i>19 TAC 89.1085</i>
Adult Prisons	If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement, notwithstanding the LRE requirements, if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons: 1. Federal requirements pertaining to participation of students with disabilities in general assessments;

2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

20 U.S.C. 1414(d)(7)

**Transition Services
Defined**

“Transition services” means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

20 U.S.C. 1401(34); 34 C.F.R. 300.43

**Individual Transition
Planning**

Not later than when a student reaches 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the individualized education program (IEP):

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate involvement in the student's transition by the student's parents and other persons invited to participate by the student's parents or the school district in which the student is enrolled;
3. If the student is at least 18 years of age, involvement in the student's transition and future by the student's parents and other persons, if the parent or other person is invited to participate by the student or the school district in which the student is enrolled or has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code, Chapter 1357;
4. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
5. An appropriate functional vocational evaluation;
6. Appropriate employment goals and objectives;

7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;
8. Appropriate independent living goals and objectives;
9. Appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act [42 U.S.C. Section 1396n(c)]; and
10. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Estates Code Chapter 1357.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under item 1.

A student's ARD committee shall annually review the issues described above and, if necessary, update the portions of the student's IEP that address those issues.

[See EHBAB regarding membership of ARD committee for transition services meetings]

20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011, .0111; 19 TAC 89.1055(h)–(j)

Transition and
Employment Guide

TEA is required to develop a transition and employment guide for students enrolled in special education programs and their parents

to provide information on statewide services and programs that assist in the transition to life outside the public school system. A school district shall:

1. Post the transition and employment guide on the district's website if the district maintains a website;
2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:
 - a. The first meeting of the student's ARD committee at which transition is discussed; and
 - b. The first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and
3. On request, provide a printed copy of the guide to a student or parent.

Education Code 29.0112(a), (e)

Graduation

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(3)(D), (f)(1), (f)(2), (f)(3) or (f)(4)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C), the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. *19 TAC 89.1070(a), (j)* [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2)

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**Compensatory
Education Allotment**

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides.
Education Code 48.104(i)

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
 - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
 - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

Education Code 48.104(k)

Dropout Prevention
Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

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- a. High-quality, college readiness instruction with strong academic and social supports;
 - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
 - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918

**Educationally
Disadvantaged
Students**

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

19 TAC 61.1027(a)

Virtual School
Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the

state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

Definition of At-Risk Student

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student’s parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;

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11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; or
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under a high school diploma and industry certification charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility
Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

**Compensatory,
Intensive, and
Accelerated
Instruction**

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

Accelerated
Instruction

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the

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student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.
Education Code 28.0217

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

**Dropout Recovery
Education Programs**

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

Communities in
Schools

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent

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of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

**Optional Extended
Year Program**

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

**Optional Flexible
Year Program**

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

**Optional Flexible
School Day Program**

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

Education Code 29.0822

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

19 TAC 129.1027(c)

Tutorial Services

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

**Basic Skills
Programs**

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086(a)

**After-School and
Summer Intensive
Mathematics and
Science Programs**

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
 - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
 - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;

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4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

Education Code 29.088, .090; 19 TAC 102.1041

Mentoring Services Program

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

Accelerated Reading Instruction Program

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1), (k)

Intensive Program of Instruction

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
 - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
 - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

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Students Receiving Special Education Services	For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to: 1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and 2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]
Graduation Requirements	A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.
No Cause of Action	A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action. <i>Education Code 28.0213</i>
College Preparatory Courses	Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed: 1. For students at the 12th grade level whose performance on: a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and 2. To prepare students for success in entry-level college courses. A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.
Faculty	Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

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Notice	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
Credit Earned	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
Dual Credit	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
Instructional Materials	Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices. <i>Education Code 28.014</i>
End-of-Course Exam	A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. <i>Education Code 39.025(a-1)</i>

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- High School Diploma** A student may graduate and receive a diploma only if the student:
1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or
 2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]
- Education Code 28.025(c)*

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

- FAFSA Required** Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).
- A student is not required to comply with the above provision if:
1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
 2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or
 3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

A district shall adopt a form to be used for purposes of this provision. The form must be approved by the Texas Education Agency (TEA) and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Education Code Subchapter B, Chapter 29, in the district.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the

student has complied with this section and may not indicate the manner in which the student complied.

Education Code 28.0256

Note: Education Code 28.0258 and 19 Administrative Code 74.1025 related to individual graduation committees expire September 1, 2023.

Individual
Graduation
Committee

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
 - a. The student's parent or person standing in parental relation to the student;
 - b. A designated advocate if the parent is unable to serve; or
 - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

*Alternate
Members*

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)–(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

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*Curriculum
Requirements*

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

*Additional
Requirements to
Graduate*

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

*English
Language
Learners*

For provisions related to an IGC and English language learners (ELL), see EKB.

Students Who
Entered Grade 9
Before the 2011–12
School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);

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4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and
5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

<i>District Determination</i>	The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i>
<i>Alternative Requirements</i>	The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).
<i>Local Alternative Requirements</i>	With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i>
<i>Appeals</i>	A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i>
<i>Documentation</i>	The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i>
Special Education	A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB]
Posthumous Diploma	Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may

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not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

Diplomas for
Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

**Personal Graduation
Plan**

Junior High or
Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];

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4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

*Students
Receiving
Special
Education
Services*

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by

Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)* [See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

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A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c)

*Foundation High
School Program*

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and

3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d)

*Distinguished
Level of
Achievement*

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

*Algebra II
Notification*

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to

graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(i)–(j)

*Dual Credit
Courses*

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*

*Core Curriculum
College Courses*

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

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2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and
3. Is entitled to receive a high school diploma.

19 TAC 74.11(n)

*Languages Other
Than English*

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

*Physical
Education
Substitutions*

*Other Physical
Activity*

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

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- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with
Disability or
Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must

follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

*Community-
Based Fine Arts
Programs*

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

*Performance
Acknowledgments*

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
 - a. In a dual credit course;
 - b. In bilingualism and biliteracy;

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- c. On a College Board advanced placement test or international baccalaureate examination;
 - d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who
Entered Grade 9
Before the 2014–15
School Year

*Minimum High
School Program*

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with
Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

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Requirements	A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72. A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F. <i>Education Code 28.025; 19 TAC 74.62, .72</i>
<i>Recommended High School Program</i>	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. <i>Education Code 28.025; 19 TAC 74.63, .73</i>
<i>Advanced / Distinguished Achievement High School Program</i>	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. <i>Education Code 28.025; 19 TAC 74.64, .74</i>
<i>Substitutions</i>	No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i>
<i>AP or IB Courses</i>	College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. <i>19 TAC 74.61(k), .71(i)</i>
<i>Reading</i>	A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district: 1. Adopts policies to identify students in need of additional reading instruction; 2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and 3. Monitors instructional activities to ensure that student needs are addressed. Reading credits may be selected from Reading I, II, or III. <i>19 TAC 74.61(h), .71(f)</i>

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College Courses A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. 19 TAC 74.61(l), .71(j)

Physical Education Substitutions In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

Other Physical Activity

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

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Restrictions	All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity. No more than four substitution credits may be earned through any combination of substitutions listed above.
<i>Student with Disability or Illness</i>	A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by: 1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A; 2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or 3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.
<i>Student with Physical Limitations</i>	If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity. <i>Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)</i>
Transfers from Out-of-State or Nonpublic Schools	Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enroll-

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	ment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. <i>19 TAC 74.11(f)</i> [See EHDB, EHDC, EHDE, and EI]
Graduation of Students Receiving Special Education Services	Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–117, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. <i>19 TAC 89.1070(k)</i>
Modified Curriculum and Content	
Employability and Self-Help Skills	Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. <i>19 TAC 89.1070(i)</i>
Summary of Academic Achievement and Evaluation	All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. <i>19 TAC 89.1070(g)–(h)</i>
<i>Students Entering Grade 9 in or After the 2014–15 School Year</i>	A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions: 1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments. 2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily

completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
 - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
 - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.
 - c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
 - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

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Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:
 - a. The curriculum requirements identified by the SBOE for the foundation high school program; and
 - b. The additional endorsement curriculum requirements prescribed by the SBOE; and
2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:
 - a. Without modification of the curriculum; or
 - b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)–(c-8), 19 TAC 89.1070(c)

*Students
Entering Grade 9
Before the 2014–
15 School Year*

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

**Graduation of
Military Dependents**

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

**Transfers During
Senior Year**

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

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Substitute Passing
Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

**Graduation of
Student Who Is
Homeless or in
Conservatorship of
DFPS**

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

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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*

Limited English Proficient Students

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

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1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*Substitute
Passing Standard*

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

*Alternate Test
Dates*

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate

test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

**Notice to Parents
and Students**

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be

provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

**Testing in
Grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Social studies in grade 8;
4. Science in grades 5 and 8; and
5. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)

Kindergarten
Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten
Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)

**End-of-Course
Assessments**

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must pro-

vide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled
Below High School
Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment
Requirements for
Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions

English I or
English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned
Prior to
Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a

course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022

Substitute
Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a TSI assessment also meets the additional criteria of 19 Administrative Code 101.4002(d).

*TSI Additional
Criteria*

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSI as a substitute assessment.

Accountability
Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

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*Verification of
Results*

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory
Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual
Graduation
Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to re-take and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the

IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

19 TAC 101.3023(a), (b)

Credit by
Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State
Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Reporting Results
To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

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To the Board	A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.
To Parents, Students, and Teachers	A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL] <i>19 TAC 101.3014</i> 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. <i>Education Code 39.0233(b)</i>
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. <i>20 U.S.C. 6312(e)(1)(B)(i)</i>
Parental Access	A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. <i>Education Code 26.005, .006(a)(2)</i>
Out-of-State Transfers	A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

**Accelerated
Instruction**

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
 - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

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<i>Faculty</i>	Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.
<i>Notice</i>	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
<i>Credit Earned</i>	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
<i>Dual Credit</i>	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
<i>Instructional Materials</i>	Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices. <i>Education Code 28.014</i>
Security and Confidentiality	All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential. Districts and campuses and the superintendent and campus principals in each district and campus shall: 1. Implement and ensure compliance with state test administration procedures and training activities; 2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];

3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
 - a. Met the requirements to participate in the student assessment program;
 - b. Received annual training in test security and test administration procedures; and
 - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(a)(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;

9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration
Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary

	skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.
Records Retention	As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years. <i>19 TAC 101.3031(a-3)–(d)</i>
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. <i>19 TAC 249.15(a)–(b), (g)</i>
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. <i>Education Code 39.0301(a-1)</i>
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. <i>Education Code 39.030(b)</i> [See FL and GBA]

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Definition	For the purpose of this policy, “parent” is the person who is indicated on the student registration form at the campus. The signature of only one parent of a student is required for a charter created by petition or a cooperative program charter. <i>Education Code 12.051(1), .052(b), .053(b)</i>
Policy	A district shall adopt a campus charter and program charter policy, which shall specify the: 1. Process for approval of a campus charter or program charter; 2. Statutory requirements with which a campus charter or program charter must comply; and 3. Items that must be included in a charter application. <i>Education Code 12.058</i>
Campus or Program Charter	A board may grant a charter to parents and teachers for a campus or a program on a campus. A board shall grant or deny the charter, through a public vote, if the board is presented with a petition signed by: 1. The parents of a majority of the students at that campus; and 2. A majority of the classroom teachers at that campus. A board may not arbitrarily deny a charter. <i>Education Code 12.052</i>
New Campus or Contract Charter	A board may grant a charter for: 1. A new district campus; or 2. A program that is operated: a. By an entity that has entered into a contract with the district under Education Code 11.157 [see EEL] to provide educational services to the district through the campus or program; and b. At a facility located in the boundaries of the district.
Voluntary Enrollment	A student’s parent or guardian may choose to enroll the student at a campus or in a program charter. A district may not assign a student to the campus or program unless the student’s parent or guardian has voluntarily enrolled the student.
Parental Removal	A student’s parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned.

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Teacher Assignment	A district may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment. <i>Education Code 12.0521</i>
Contract Charter Funding	A district under contract with an open-enrollment charter school to jointly operate a campus or campus program during the 2017–18 school year and under any renewal of that contract is eligible to receive funding under Education Code 42.2511 for each student or the portion of each student's school day under the direction of the open-enrollment charter school. <i>Education Code 11.157(b); 19 TAC 61.1010</i>
District Charter	A board may grant a district charter to a campus.
Enrollment Limit	A district charter may be granted only to one or more campuses serving in total a percentage of the district's student enrollment equal to not more than 15 percent of the district's student enrollment for the preceding school year.
<i>Exception</i>	The percentage limit may not prevent a district from granting a district charter to at least one feeder pattern of schools, including an elementary, middle or junior high, and high school. A district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39, Education Code.
Open-Enrollment Charter School	Subchapter D, Chapter 39, Education Code (open-enrollment charter schools) applies to a campus granted a district charter as though the campus were granted a charter under that subchapter, and the campus is considered an open-enrollment charter school. A district charter is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Education Code 12.101. <i>Education Code 12.0522</i>
Cooperative Campus Charter	A board may grant a charter to parents and teachers at two or more campuses in the district for a cooperative charter program if the board is presented with a petition signed by: 1. The parents of a majority of the students at each school; and 2. A majority of the classroom teachers at each school. <i>Education Code 12.053</i>
Performance Contract	A board that grants a charter shall enter into a performance contract with the principal or equivalent chief operating officer of the

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campus or program. The performance contract must specify enhanced authority granted to the principal or equivalent officer in order to achieve the academic goals that must be met by campus or program students.

Duration of Charter

A charter granted by the board expires ten years from the date the charter is granted unless the specified goals are substantially met, as determined by the board.

Education Code 12.0531

Neighborhood School

A board may determine that a campus granted a charter will be a neighborhood school.

The principal or equivalent chief operating officer of a neighborhood school shall manage the funding provided for the school under the Education Code and any other funding provided for the school in the manner the principal or other officer determines best meets the needs of the school's students. The district in which the school is located may retain that portion of funding that the district generally withholds from a campus for costs associated with the salary of the superintendent or other district governance.

The principal or equivalent chief operating officer of a neighborhood school may use school funding to purchase from the school district in which the school is located services for the school, including bus service, facilities maintenance services, and other services generally provided by a school district to district campuses. The school shall pay for each service an amount that reflects the actual cost to the district of providing the service for the number of the school's students for which the service is provided.

Education Code 12.0532

Student Eligibility

Eligibility criteria for admission of students to the charter campus or program must give priority on the basis of geographic and residency considerations. After priority is given on those bases, secondary consideration may be given to a student's age, grade level, or academic credentials, in general or in a specific area, as necessary for the type of program offered.

The campus or program may require an applicant to submit an application not later than a reasonable deadline the campus or program establishes.

Education Code 12.065

Exemption

A campus or program for which a charter is granted is exempt from the instructional and academic rules and policies of the board from

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which the campus or program is specifically exempted in the charter and retains the authority to operate under the charter only if students at the campus or in the program perform satisfactorily as provided by the charter. *Education Code 12.054*

Charter Contract

A charter shall be in the form and substance of a written contract signed by a board president and the chief operating officer of the campus or program for which the charter is granted. *Education Code 12.060*

Each charter shall:

1. Satisfy the requirements governing charter campuses and programs; and
2. Include all information required to be in the content of the charter consistent with the information provided in the application and any modification a board requires.

Education Code 12.061

Content of Charter

Each charter granted must:

1. Describe the educational program to be offered, which may be a general or specialized program;
2. Provide that continuation of the charter is contingent on satisfactory student performance on state-required assessment instruments, satisfactory financial performance under state financial accountability provisions, and on compliance with other applicable accountability provisions;
3. Specify any basis, in addition to a basis specified in Education Code Chapter 12, Subchapter C, on which the charter may be revoked;
4. Prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;
5. Describe the governing structure of the campus or program;
6. Specify any procedure or requirement, in addition to those under Education Code Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and
7. Describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be

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conducted, including the manner in which the campus or program will provide information necessary for the district in which it is located to participate in PEIMS.

Education Code 12.059

Revision

A charter created by petition or a cooperative charter program may be revised with board approval and on a petition signed by a majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

A charter created without a petition may be revised with the approval of the board of trustees that granted the charter. The charter may be revised only before the first day of instruction or after the final day of instruction of a school year.

Education Code 12.062

**Failure to Discharge
or Refuse to Hire**

A charter campus or program commits a material violation of its charter if the campus or program fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under Education Codes 12.1059, 22.085, or 22.092. *Education Code 12.0631*

Applicability of Laws

A charter campus or program is subject to federal and state laws and rules governing public schools, except that the charter campus or program is subject to the Education Code and rules adopted thereunder only to the extent that the code or rule specifically provides. *Education Code 12.055(a)*

Education Code

A charter campus or program has the powers granted to schools under the Education Code.

A charter campus or program is subject to:

1. Provisions of the Education Code establishing criminal offenses;
2. Prohibitions, restrictions, or requirements of the Education Code, or a rule adopted under the Education Code, relating to:
 - a. PEIMS, to the extent necessary to monitor compliance, as determined by the commissioner;
 - b. Criminal history records under Subchapter C, Chapter 22;
 - c. High school graduation under Section 28.025;
 - d. Special education programs under Subchapter A, Chapter 29;

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- e. Bilingual education under Subchapter B, Chapter 29;
- f. Prekindergarten programs under Subchapter E, Chapter 29;
- g. Extracurricular activities under Section 33.081 (i.e., “no pass-no play”);
- h. Health and safety under Chapter 38 (including immunizations, dyslexia and related disorders, child abuse reporting, protective eye devices, tobacco and alcohol use, steroid use, access to medical records, and referrals to outside counselors);
- i. Public school accountability under Subchapter B, C, D, F, and J, Chapter 39, and Chapter 39A; and
- j. The duty to discharge or refuse to hire certain employees or applicants for employment under Education Code 12.1059.

Education Code 12.056

Open Meetings and
Public Information
Acts

With respect to the operation of a campus or program charter, the governing body of the charter campus or program is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act). *Education Code 12.057(a)*

Teacher Retirement
System

A district may contract with another district or an open-enrollment charter holder for services at a campus charter. An employee of the district or open-enrollment charter holder providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas (TRS) if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school operated by the charter holder. *Education Code 12.055(b)*

An employee of an independent school district who is employed on a charter campus or program who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of the independent school district who is employed on a regularly operating campus or in a regularly operating program.

An employee of a charter holder who is employed on a campus or in a program granted a charter and who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent

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school district who is employed on a regularly operating campus or in a regularly operating program.

Education Code 12.057(b), (b-1)

Liability

A charter campus or program, and its employees and volunteers, are immune from liability to the same extent as a district, its employees, and volunteers, respectively. *Education Code 12.057(c)*

**Placement on
Probation or
Revocation**

A board may place on probation or revoke a charter it grants if the board determines that the campus or program:

1. Committed a material violation of the charter, including by failure to comply with the duty to discharge or refuse to hire certain employees or applicants for employment, as provided by Education Code 12.0631;
2. Failed to satisfy generally accepted accounting standards of fiscal management; or
3. Failed to comply with law governing a charter campus or program, another law, or a state agency rule.

The action a board takes under any item above shall be based on the best interest of campus or program students, the severity of the violation, and any previous violation the campus or program has committed.

Education Code 12.063

Procedure

Each board that grants a charter shall adopt a procedure to be used for placing on probation or revoking a charter it grants.

This procedure must provide an opportunity for a hearing to the campus or program for which the charter is granted and to parents and guardians of students at the campus or in the program. A hearing must be held on the campus or on one of the campuses in the case of a cooperative charter program.

Education Code 12.064

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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;

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3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

**Administering
Medication**

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.
2. When administering prescription medication, the medication is administered either:
 - a. From a container that appears to be the original container and to be properly labeled; or
 - b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

**By Volunteer
Professionals**

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

**Immunity from Civil
Liability**

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b)

[See DG regarding protection of nurses for refusal to perform acts.]

**Self-Administration
of Asthma or
Anaphylaxis
Medicine**

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;

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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 FFAC 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

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employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

**Prescription
Medication and
Special Education
Students**

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

**Opioid Antagonist
Medication**

A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution. *Health and Safety Code 483.104*

A prescriber may, directly or by standing order, prescribe an opioid antagonist to a person in a position to assist a person experiencing an opioid-related drug overdose. *Health and Safety Code 483.102; 22 TAC 170.6*

Immunity

A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related

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drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist. *Health and Safety Code 483.106*

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

**Dextromethorphan
(Certain Cold
Medication)**

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Note: The following provisions apply only to a district that will adopt an unassigned epinephrine auto-injector policy or an unassigned asthma medication policy.

**Maintenance and
Administration of
Epinephrine Auto-
Injectors**

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and
2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Education Code 38.208

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Definitions	"All hours the campus is open" is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.
<i>All Hours the Campus Is Open</i>	
<i>Campus</i>	A "campus" is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.
<i>Unassigned Epinephrine Auto-Injector</i>	An "unassigned epinephrine auto-injector" is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157. <i>25 TAC 37.603</i>
Prompt Notification	Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine auto-injector before notifying emergency medical services. The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis. <i>25 TAC 37.605(e)–(f)</i>
Records	School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request. <i>25 TAC 37.605(f)</i>
Reports	Not later than the tenth business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services. The report must include the following information: 1. The age of the person who received the administration of the epinephrine auto-injector;

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2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 37.608*

Personnel or
Volunteers

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 37.606(a)–(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 37.606(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the recognizing of anaphylaxis signs and symptoms and administration of an unassigned epinephrine auto-injector.

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Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training. Training shall be consistent with the most recent [Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs](#)¹ published by the federal Centers for Disease Control and Prevention.

25 TAC 37.607

Training may be provided in a formal training session or through an online education course. Training must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration. *25 TAC 37.607(1)–(2)*

Training must include information on implementing emergency procedures, if necessary, after administering an epinephrine auto-injector, and properly disposing of used or expired epinephrine auto-injectors. A district shall maintain records on the required training. *Education Code 38.210*

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills. The training must also include information about promptly notifying local emergency medical services.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 37.607(3)–(6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 37.605(a)

Epinephrine
Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of

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school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the designated school personnel shall coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *19 TAC 37.605(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice must be provided before the policy is implemented by the district or school and before the start of each school year. *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 37.609

Storage

Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 37.605(h)*

Replacement

The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. *25 TAC 37.605(i)*

Disposal

Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy.

Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy.

25 TAC 37.605(j)–(k) [See DBB]

Gifts, Grants, and
Donations

A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

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**Maintenance and
Administration of
Asthma Medicine**

A district may voluntarily adopt and implement a written policy regarding the maintenance, administration, and disposal of asthma medication at each campus. If a written policy is adopted, the unassigned asthma medication policy must comply with Education Code 38.208. *25 TAC 40.44(a)*

The policy must provide that the school nurse may administer prescription asthma medicine to a student only if the school nurse has written notification from a parent or guardian of the student stating that the student has been diagnosed as having asthma and stating that the school nurse may administer prescription asthma medicine to the student. A school nurse may administer the prescription asthma medicine only at a school campus. *Education Code 38.208(b-1)*

Definitions

*Authorized
Health-care
Provider*

“Authorized health-care provider” means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

Campus

“Campus” means a geographic unit of a school district that:

1. Has an assigned administrator;
2. Has enrolled students who are counted for average daily attendance;
3. Has assigned instructional staff;
4. Provides instructional services to students;
5. Has one or more grades in the range from early childhood education through grade 12 or is ungraded; and
6. Is subject to Texas laws.

School Nurse

“School nurse” means a registered nurse, as defined in 19 Administrative Code 153.1022, authorized to administer asthma medication, or licensed vocational nurse working under supervision as described in Occupations Code 301.353. [See DP]

*Unassigned
Asthma
Medication*

“Unassigned asthma medication” means a fast acting bronchodilator delivered by metered dose inhaler with single use spacer or by nebulizer as a rescue medication, prescribed by an authorized health-care provider in the name of the district with a non-patient-specific standing delegation order for the administration of an asthma medication, and issued by an authorized health-care provider.

25 TAC 40.42

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Minimum Dosage Requirement	Subject to the availability of funding, a district that adopts such a policy must secure or obtain the suggested minimum dosage of unassigned asthma medication. <i>25 TAC 40.44 (a)(2)</i> Once a district voluntarily adopts an unassigned asthma medication policy, a campus that implements an unassigned asthma medication policy must stock unassigned asthma medication, subject to available funding, as defined by 25 Administrative Code 40.44. <i>25 TAC 40.45(a)</i>
Optional Review	In development of an unassigned asthma medication policy, a district may consider performing a review to include consultation with school nurses, the local school health advisory committee, local health-care providers, or any department or organization involved with student well-being; campus geography; and student population size.
Policy Requirements	If a district voluntarily adopts an unassigned asthma medication policy, the policy must include: 1. A process to obtain written authorization from a parent or guardian of the student that the student has been diagnosed as having asthma and stating that the school nurse may administer unassigned asthma medication to the student; 2. A designated campus administrator to coordinate and manage policy implementation that includes: a. Whether to conduct a review at the campus to determine the need for additional doses; b. Training of school nurses; c. Acquiring or purchasing, maintaining, storing, and using unassigned asthma medication, subject to available campus funding; and d. Disposing of expired unassigned asthma medication; 3. A list of school nurses who will be assigned to administer unassigned asthma medication; 4. Locations of unassigned asthma medication; 5. Procedures for notifying a parent, prescribing authorized health-care provider, and the student's primary health-care provider when unassigned asthma medication is administered; and 6. A plan to replace, as soon as reasonably possible, any unassigned asthma medication that is used or close to expiration.

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An adopted unassigned asthma medication policy must be publicly available.

25 TAC 40.44(b)–(d)

No Negative Fiscal
Impact

The policy may not require a district to purchase prescription asthma medicine or require any other expenditure related to the maintenance or administration of asthma medicine that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Asthma Medicine
Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157, may prescribe asthma medicine in the name of a school district. *Education Code 38.211(a)*

An authorized health-care provider who prescribes unassigned asthma medication under 25 Administrative Code 40.45(b), below, must provide the campus with a standing order for the administration of unassigned asthma medication to a person who:

1. Is reasonably believed to be experiencing a symptom of asthma; and
2. Has provided written notification and permission as required by the unassigned asthma medication policy.

25 TAC 40.45(c)

Prescription of
Unassigned Asthma
Medicine

A campus must obtain a prescription from an authorized health-care provider each year to stock, possess, and maintain at least two doses of unassigned asthma medication on each campus as described in Education Code 38.208 and any equipment necessary to administer the medication.

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 an authorized health-care provider.

25 TAC 40.45(b)

School Nurse
Training

A district that chooses to adopt a written unassigned asthma medication policy is responsible for training school nurses about:

1. The adopted unassigned asthma medication policy;
2. The authorized health-care provider's standing order;
3. Follow-up with the prescribing authorized health-care provider and the student's primary health-care provider; and

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4. The report required after administering an unassigned asthma medication under 25 Administrative Code 40.47 (see Reports and Records, below).

Each campus must maintain training records and must make available upon request a list of school nurses trained and authorized to administer the unassigned asthma medication on the campus.

25 TAC 40.46

Notice to Parents

If a district implements an unassigned asthma medication policy, the campus shall provide written or electronic notice to a parent or guardian of each student in accordance with Education Code 38.212.

If a district changes or discontinues the unassigned asthma medication policy, written or electronic notice detailing the change or discontinuation must be provided to a parent or guardian of each student within 15 calendar days after the change or discontinuation.

25 TAC 40.48

The district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice required under Education Code 38.212 must be provided before a policy is implemented by the district and before the start of each school year. *Education Code 38.212*

Records and
Reporting

Records relating to implementing and administering the school district unassigned asthma medication policy must be retained per the campus record retention schedule.

The campus must submit a report no later than the tenth business day after the date a school nurse administers asthma medication in accordance with the unassigned asthma medication policy. The report must be included in the student's permanent record and submitted to the school administrator, prescribing authorized health-care provider, the student's primary health-care provider, and to the Department of State Health Services (DSHS) commissioner.

Notifications to the DSHS commissioner must be submitted on the designated [electronic form](#)² available on DSHS's School Health Program website found at dshs.texas.gov.

25 TAC 40.47

Asthma Medicine
Storage and
Disposal

The supply of asthma medicine at each campus must be stored in a secure location and be easily accessible to the school nurse. *Education Code 38.208(e)*

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The unassigned asthma medication must be stored in accordance with the manufacturer's guidelines and local policy of the school district.

Expired unassigned asthma medication and other used or expired supplies must be disposed of in accordance with the manufacturer's guidelines and local policy of the district.

25 TAC 40.45(d)–(e)

**Immunity from
Liability**

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and asthma medicine, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

1. Issuing an order for epinephrine auto-injectors or asthma medicine;
2. Supervising or delegating the administration of an epinephrine auto-injector or asthma medicine;
3. Possessing, maintaining, storing, or disposing of an epinephrine auto-injector or asthma medicine;
4. Prescribing an epinephrine auto-injector or asthma medicine;
5. Dispensing an epinephrine auto-injector or asthma medicine, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Asthma Medicine, above];
6. Administering, or assisting in administering, an epinephrine auto-injector, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Epinephrine Auto-Injectors, above];
7. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
8. Undertaking any other act permitted or required under Education Code Chapter 38, Subchapter E.

A district and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under Education Code Chapter 38, Subchapter E, including an act or failure to act under related policies and procedures.

An act or failure to act by school personnel or a school volunteer, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the

school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district.

Education Code 38.215; 25 TAC 40.49

¹ CDC Voluntary Guidelines for Managing Food Allergies:

<https://www.cdc.gov/healthyschools/foodallergies/index.htm>

² Required Reporting of Administered Unassigned Asthma Medication to DSHS: <https://www.dshs.texas.gov/schoolhealth/forms/ReportingForm-Asthma.aspx>

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **Substitute Report**

Background:

Last month's Board meeting included an open forum presentation about substitute teachers. Trustee John Rodgers asked that an item be placed on the agenda about substitute salary comparisons as well as requesting an administrative recommendation.

Attached is a chart and other information showing Waxahachie ISD substitute rates in comparison to other districts and the results of a substitute survey. Staff will be available at the meeting to answer any questions the Board may have about the attached information.

In regard to an administrative recommendation, WISD's financial resources to provide compensation for employees are finite. To maximize the best possible return on investment of limited resources, WISD's decisions regarding method and manner of employee compensation must be strategic. Administration believes the priority for funding compensation should be placed on the district's full-time employees, who provide services on behalf of the district every day.

Administration does not recommend any adjustment at this time to compensation for substitute employees. Any increase to compensation for substitute employees would impact the district's ability to provide salary increases to full-time employees.

Administration recognizes and appreciates the services provided by substitute employees. While WISD's present pay scale for the compensation of substitutes does not exceed all rates provided by every school district within Ellis County, the pay scale for substitutes is nevertheless competitive. The present compensation rate for substitutes is sufficient to induce and encourage the daily filling of vacancies and administration does not believe an increase to the present

compensation rate for substitutes would create a significant impact on the daily fill rate for substitutes. However, the fill rate will be monitored throughout the year.

Substitute Board Report

Waxahachie ISD Substitute Rates

<u>Substitute Group</u>	<u>Daily Rates</u>	<u>Long-term Daily Rate (10+ days)</u>
Paraprofessional	\$65	\$80
Non-Certified Teacher	\$70	\$95
Certified Teacher	\$85	\$150
Administrator	\$250	\$250*

**Long-term administrator rates may be determined by the superintendent on a case-by-case basis. This allows the superintendent to negotiate adjustments in high need cases.*

2021 Substitute Comparison Rates to Other Districts

For paraprofessional positions, WISD Rates are \$6.38 or 8.9% less than the average for the peer group.

For noncertified positions, WISD rates are \$9.92 or 12.4% less than the average for the peer group.

For substitutes holding a teacher certification, WISD rates are \$11.78 or 12.1% less than the peer group.

WISD does not differentiate between degreed and certified substitutes.

Substitute Survey Results

Returning Substitute Survey:

78 Respondents

7 respondents indicated that they will not be returning to WISD in the fall.

Of the 71 respondents planning to return to the district...

*only 10 substitutes work in other districts.

*4 substitutes indicated that they felt the district should pay a higher rate to retain subs.

*28 subs are certified, 35 subs are not certified

*28 subs are interested in long term jobs, 34 are not

New Substitutes:

*33 new subs hired as of 7/30/21

*13 subs pending hire

Total anticipated in sub pool on 8/12/21: 117

District Cost for Increase	
<u>Amount to Increase</u>	<u>Cost</u>
\$5.00 per day	\$50,000
\$8.00 per day 310	\$80,000
\$10.00 per day	\$100,000

Substitute Rates

Daily/Long Term Rates	Paraprofessional	Non Certified	Degreed	Teacher Certified	Administration
Waxahachie ISD	\$65/\$80	\$70/\$95	N/A	\$85/\$150	\$250
Arlington ISD	\$104/\$104	\$100/\$110	\$110/\$115	\$125/\$165	NA
Cedar Hill ISD	\$68/\$75 \$80 SPED Aide	\$70/\$80/\$95	\$80/\$90/\$100	\$95/\$115/\$130	midpoint of PG
Corsicana ISD	\$65/\$70	\$65/\$75	\$70/\$75	\$100	NA
Duncanville ISD	\$64 Aide \$62 clerical	\$70	\$80	\$95	NA
Ennis ISD	\$65	\$70	\$75	\$85	NA
Hillsboro ISD	\$60	\$60/\$85	NA	\$75/\$100	NA
Keller ISD	\$66/\$71	\$66/\$76 (HS Diploma) \$73/\$83 30+ hours	\$88/\$98	\$90/\$100	NA
Lancaster ISD	\$65	\$100	\$110/\$130	\$120/\$130	NA
Mansfield ISD	\$70 Para \$75 SPED Para	\$75/\$105	\$80	\$95/\$110	NA
Midlothian ISD	\$75/\$95	\$75/\$105	\$80/\$115	\$90/\$135	NA
Red Oak ISD	\$65EL/\$75 Sec	\$65 elem/\$75 sec	\$75 Elem/\$85 Sec	\$85 Elem/\$95 Sec	\$250
Garland ISD	\$75 non instructional \$84 instructional	NA	\$100	\$115	NA
Waco ISD	\$77/\$80	\$80	\$115	\$100/\$130	
Average:	\$71.38	\$79.92	\$88.58	\$96.78	\$250

Local Substitute Rates	Paraprofessional	Non Certified	Degreed	Teacher Certified	Administrative
Ennis ISD	\$65	\$70	\$75	\$85	NA
Midlothian ISD	\$75/\$95	\$75/\$105	\$80/\$115	\$90/\$135	NA
Red Oak ISD	\$65EL/\$75 Sec	\$65 elem/\$75 sec	\$75 Elem/\$85 Sec	\$85 Elem/\$95 Sec	\$250
Waxahachie ISD	\$65/\$80	\$70/\$95	N/A	\$85/\$150	\$250

***Rates that were published on district websites on 7/26/21 were included in this report. ***

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Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **COVID Protocols for 2021-2022**

Background:

The Texas Education Agency issued its School Health Operations Requirements following Executive Order GA-34. Attached are the Waxahachie ISD COVID-19 Protocols currently in place for Summer and Fall of 2021. Melissa Bousquet will be present to answer questions there may be.

COVID-19 Protocols

With COVID-19 cases continuing to decline and the vaccine more widely available, WISD implemented changes to its disease mitigation practices on June 1, 2021.

Summer 2021 and Fall 2021

Effective June 1, 2021, all previous COVID-19 protocols were replaced with the following protocols:

- Face coverings will not be required for staff or students.
- Campuses will work to ensure no student is treated differently as a result of their choice to wear a mask or not wear a mask.
- Visitors will be allowed on campus according to standard visiting rules.
- Staff and students will continue to be expected to wash their hands frequently throughout the day.
- Parents and employees will continue to be required to report confirmed positive cases of COVID-19 to campus administration or their supervisor, but this information will no longer be tracked on a District COVID-19 Dashboard.
- Staff and students with a confirmed case of COVID-19 must quarantine for 10 days from the date of symptom onset or positive test if no symptoms.
- Parents/staff will be notified when there is a positive case in their student's class/staff member's class or department. In addition to notifying parents/staff when there is a positive case in their student's class/staff member's class or department, WISD will take the following actions in accordance with TEA's School Health Operations Requirements:
 1. If an individual who has been in a school is test-confirmed to have COVID-19, WISD will notify the local health department, in accordance with applicable federal, state and local laws and regulations, including confidentiality requirements of the

Americans with Disabilities Act (ADA) and Family Educational Rights and Privacy Act (FERPA).

2. Upon receipt of information that any teacher, staff member, student, or visitor at a school is test-confirmed to have COVID-19, WISD will submit a report to the Texas Department of State Health Services via an online form each Monday for the prior seven days (Monday-Sunday).

- Staff will not conduct close contact reviews and students and staff will not be required to quarantine for exposure.

Texas Education Agency

School Health Operations Requirements

<https://tea.texas.gov/sites/default/files/covid/SY-20-21-Public-Health-Guidance.pdf>

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2020**

Subject: **Budget Update**



Background:

As has been discussed since the May meeting, the Board has established funding priorities for the 2021-2022 school year. These priorities included incorporating the recommendations from the TASB salary survey, funding a 2% increase for all staff, a 5% increase for auxiliary staff, and planning to add \$1,000,000 into fund balance.

Mr. Kahlden will distribute the 2021-2022 budget books for review and discuss the highlights from the proposed budget.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **Special Meeting Reminder**

Background:

This is a reminder that the Board has a special called meeting on August 30, 2021 to adopt the budget and tax rate, participate in training regarding the district's long-range planning committee, and likely a few as-yet-to-be-determined items.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **UIL-HB 547**



Background:

The 87th Texas Legislature passed HB 547 amending the Education Code to give public schools the option to allow homeschool students to participate in extracurricular activities. Information from the UIL is attached. The administration feels participating in this program is not in the best interest of the district and has taken no action on this matter.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **WISD Student Handbook and dress code for review**

Background:

WISD Student Handbook and dress code for review only.

Waxahachie ISD
Student Handbook
2021–2022 School Year



If you have difficulty accessing the information in this document because of disability, please contact Jacob Perry at jperry@wisd.org or call 972-923-4631.

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Please Note:

Complete and return to the student’s campus the following forms (provided in the forms packet distributed at the beginning of the year or upon enrollment):

- Acknowledgment Form OR Acknowledgment of Electronic Distribution of Student Handbook,
- Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information
- Parent's Objection to the Release of Student Information to Military Recruiters and Institutions of Higher Education (if you choose to restrict the release of information to these entities), and
- Consent/Opt-Out Form

{See **Objecting to the Release of Directory Information on page 10 and Consent Required Before Student Participation in a Federally Funded Survey, Analysis, or Evaluation on page 11 for more information.**}

Note: References to board policy codes are included for ease of reference. The hard copy of the district's official policy manual is available for review in Waxahachie ISD Administration Building, 411 N. Gibson Street, and an unofficial electronic copy is available at <https://pol.tasb.org/home/index/433>.

Preface

Parents and Students:

Welcome to the new school year!

Education is a team effort, and students, parents, teachers, and other staff members working together can make this a successful year.

The Waxahachie ISD Student Handbook is a general reference guide that is divided into two sections:

Section I: Parental Rights will help you respond to school-related issues regarding curriculum and the school environment.

Section II: Other Important Information for Parents and Students is organized alphabetically by topic. Where applicable, it is divided by age and/or grade level.

Note: Unless otherwise noted, the term “parent” refers to the parent, legal guardian, any person granted some other type of lawful control of a student, or any other person who has agreed to assume school-related responsibility for a student.

The Student Handbook is designed to align with board policy and the Student Code of Conduct, a board-adopted document intended to promote school safety and an atmosphere for learning. The Student Handbook is **not** meant to be a complete statement of all policies, procedures, or rules in any given circumstance.

In case of conflicts between board policy (including the Student Code of Conduct) and any Student Handbook provision, the district will follow board policy and the Student Code of Conduct.

Therefore, parents and students should become familiar with the Waxahachie ISD Student Code of Conduct. To review the Code of Conduct, visit the district’s website at www.wisd.org. State law requires that the Code of Conduct be prominently displayed or made available for review at each campus.

A hard copy of either the Student Code of Conduct or Student Handbook can be requested at the Waxahachie ISD Administration Building at 411 N. Gibson Street.

The Student Handbook is updated annually; however, policy adoption and revisions may occur throughout the year. The district encourages parents to stay informed of proposed policy changes by attending board meetings and reviewing newsletter and other communications explaining changes in policy or other rules that affect Student Handbook provisions. The district reserves the right to modify the Student Handbook at any time. Notice of revisions will be provided as is reasonably practical.

Although the Student Handbook may refer to rights established through law or district policy, it does not create additional rights for parents and students. It does not, nor is it intended to, represent a contract between any parent or student and the district.

For questions about the material in this handbook, please contact Jacob Perry at jperry@wisd.org.

Accessibility

If you have difficulty accessing this handbook because of a disability, please contact Jacob Perry, Director of Student and Campus Services at jperry@wisd.org or at 972-923-4631 ext. 10132.

Section I: Parental Rights

This section describes certain parental rights as specified in state or federal law.

Consent, Opt-Out, and Refusal Rights ***Consent to Conduct a Psychological Evaluation***

Unless required under state or federal law, a district employee will not conduct a psychological examination, test, or treatment without obtaining written parental consent.

The district will not provide a mental health care service to a student except as permitted by law.

The district has established procedures for providing a parent with a recommendation for an intervention for a student with early warning signs of mental health concerns or substance abuse or who has been identified as at risk of attempting suicide. The district's mental health liaison will notify the student's parent within a reasonable amount of time after the liaison learns that a student has displayed early warning signs and a possible need for intervention and provide information about available counseling options.

The mental health liaisons, campus counselors, can be reached at your child's campus and can provide further information regarding these procedures as well as educational materials on identifying risk factors, accessing resources for treatment or support on and off campus, and accessing available student accommodations provided on campus.

Note: An evaluation may be legally required under special education rules or by the Texas Education Agency (TEA) for child abuse investigations and reports.

Consent to Display a Student's Original Works and Personal Information

Teachers may display a student's work in classrooms or elsewhere on campus as recognition of student achievement without seeking prior parental consent. These displays may include personally identifiable student information. Student work includes:

- Artwork
- Special projects,
- Photographs,
- Original videos or voice recordings, and
- Other original works.

However, the district will seek parental consent before displaying a student's work on the district's website, a website affiliated or sponsored by the district (such as a campus or classroom website), or in district publications, which may include printed materials, videos, or other methods of mass communication.

Consent to Receive Parenting and Paternity Awareness Instruction if a Student is under Age 14

A student under age 14 must have parental permission to participate in the district's parenting and paternity awareness program. This program was developed by the Office of the Texas Attorney General and the State Board of Education (SBOE) to be incorporated into health education classes.

Consent to Video or Audio Record a Student when Not Already Permitted by Law

State law permits the school to make a video or voice recording without parental permission when it:

- Is to be used for school safety,
- Relates to classroom instruction or a co-curricular or extracurricular activity,
- Relates to media coverage of the school, or
- Relates to the promotion of student safety as provided by law for a student receiving special education services in certain settings.

In other circumstances, the district will seek written parental consent before making a video or voice recording of a student.

Prohibiting the Use of Corporal Punishment

Corporal punishment—spanking or paddling a student—may be used as a discipline management technique in accordance with the Student Code of Conduct and district policy FO(LOCAL).

However, in accordance with law, the district may not administer corporal punishment if a student's parent submits a signed, written statement prohibiting its use.

A parent who does not want corporal punishment administered to his or her child must submit a written statement to the campus principal stating this decision. This signed statement must be submitted each school year. A parent may revoke this prohibition at any time during the school year by providing a signed statement to the campus principal.

Note:

- District personnel may use discipline methods other than corporal punishment if a parent requests that corporal punishment not be used.
- If the district knows that a student is in temporary or permanent custody of the state (through foster care, kinship care, or other arrangements), corporal punishment will not be administered, even when the student's caregiver or caseworker has not submitted a signed statement prohibiting its use.

Limiting Electronic Communications between Students and District Employees

The district permits teachers and other approved employees to use electronic communications with students within the scope of professional responsibilities, as described by district guidelines.

For example, a teacher may create a social networking page for his or her class to relay information regarding class work, homework, and tests. A parent is welcome to such a page.

However, text messages sent to an individual student are only allowed if a district employee with responsibility for an extracurricular activity must communicate with a student participating in that activity.

The employee is required to include the student's parent as a recipient on all text messages.

AND

The employee is required to send a copy of the text message to the employee's district email address.

A parent who does not want his or her child to receive one-to-one electronic communications from a district employee should contact the campus principal.

Objecting to the Release of Directory Information

The Family Educational Rights and Privacy Act, or FERPA, permits the district to disclose appropriately designated "directory information" from a student's education records without written consent.

"Directory information" is information that, if released, is generally not considered harmful or an invasion of privacy. Examples include:

- A student's photograph (for publication in the school yearbook);
- A student's name and grade level (for communicating class and teacher assignments);
- The name, weight, and height of an athlete (for publication in a school athletic program);
- A list of student birthdays (for generating school-wide or classroom recognition);
- A student's name and photograph (posted on a district-approved and -managed social media platform); and
- The names and grade levels of students submitted by the district to a local newspaper or other community publication (to recognize the A/B honor roll for a specific grading period.)

Directory information will be released to anyone who follows procedures for requesting it.

However, a parent or eligible student may object to the release of this information. If you do not want Waxahachie ISD to disclose directory information from your child's education records without your prior written consent; you must notify the Waxahachie ISD in writing by August 25, 2021, or within ten school days of your child's first day of instruction for the 2021-2022 school year. [See Notice Regarding Directory Information and Parent's Response Regarding Release of Student Information, included in the forms packet.]

The district requests that families living in a shelter for survivors of family violence or trafficking notify district personnel that the student currently resides in such a shelter. Families may want to opt out of the release of directory information so that the district does not release any information that might reveal the location of such a shelter.

As allowed by state law, the district has identified two directory information lists—one for school-sponsored purposes and the second for all other requests. For all district publications and announcements, the district has designated the following as directory information: student's name; photograph; date of birth; major field of study; degrees, honors, and awards received; dates of attendance; grade level; most recent school previously attended; participation in officially recognized activities and sports; and weight and height of members of athletic teams.

For all other purposes, the district has identified the following as directory information: items for use only for school-sponsored purposes; items for use only for law enforcement purposes; and items for all other purposes. If you do not object to the use of your child's information for these purposes, the school must release this information when the school receives a request from an outside entity or individual.

Objecting to the release of information to Military Recruiters and Institutions of Higher Education (Secondary Grade Levels Only)

Unless a parent has advised the district not to release his or her student's information, the Every Student Succeeds Act (ESSA) requires the district to comply with requests by military recruiters or institutions of higher education for the student's:

- Name,
- Address, and
- Telephone listing.

See a document in the forms packet for this purpose.

Participation in Third- Party Surveys

Consent Required Before Student Participation in a Federally Funded Survey, Analysis, or Evaluation

A student will not be required to participate without parental consent in any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education that concerns:

- Political affiliations or beliefs of the student or the student's parent;
- Mental or psychological problems of the student or the student's family;
- Sex behavior or attitude;
- Illegal, antisocial, self-incriminating, or demeaning behavior;
- Critical appraisals of individuals with whom the student has a close family relationship;
- Relationships privileged under law, such as relationships with lawyers, physicians, and ministers;
- Religious practices, affiliations, or beliefs of the student or parent; or
- Income, except when the information is required by law and will be used to determine the student's eligibility to participate in or receive financial assistance under a program.

A parent can inspect the survey or other instrument and any corresponding instructional materials used in connection with such a survey, analysis, or evaluation. [For more information, see policy EF(LEGAL).]

"Opting Out" of Participation in Other Types of Surveys or Screenings and the Disclosure of Personal Information

The Protection of Pupil Rights Amendment (PPRA) requires that a parent be notified when a survey is not funded by the U.S. Department of Education.

A parent has a right to deny permission for his or her child's participation in:

- Any survey concerning private information listed above, regardless of funding.
- School activities involving the collection, disclosure, or use of personal information gathered from the child for the purpose of marketing, selling, or otherwise disclosing that information.
- Any nonemergency, invasive physical examination or screening 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.

Exceptions are hearing, vision, or spinal screenings, or any physical examination or screening permitted or required under state law. [See policies EF and FFAA.]

A parent may inspect a survey created by a third party before the survey is administered or distributed to his or her child. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and instructional material used as part of the educational curriculum.

Removing a Student from Instruction or Excusing a Student from a Required Component of Instruction

Human Sexuality Instruction

As a part of the district's curriculum, students receive instruction related to human sexuality. The School Health Advisory Council (SHAC) makes recommendations for course materials.

State law requires that the district provide written notice before each school year of the board's decision to provide human sexuality instruction.

State law also requires that instruction related to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS):

- Present abstinence from sexual activity as the preferred choice in relationship to all sexual activity for unmarried persons of school age;
- Devote more attention to abstinence from sexual activity than to any other behavior;
- Emphasize that abstinence, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections and the emotional trauma associated with adolescent sexual activity;
- Direct adolescents to abstain from sexual activity before marriage as the most effective way to prevent pregnancy and sexually transmitted diseases; and
- If included in the content of the curriculum, teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates.

Per state law, here is a summary of the district's curriculum regarding human sexuality instruction:

Waxahachie ISD School Health Advisory Council (SHAC) selected *Choosing the Best* as the curriculum for human sexuality instruction. *Choosing the Best* offers a "sexual risk avoidance" (SRA) approach that strongly promotes delaying sex as the best and healthiest choice, while also teaching students about goal-setting, healthy relationships, refusal skills, and character building. *Choosing the Best* informs students about the significant risks associated with casual sex, including unplanned pregnancy, STDs, and negative emotional consequences. *Choosing the Best* also emphasizes the benefits of waiting, empowering students to make an informed choice about their sexual behavior. For more information about *Choosing the Best*, please visit their website at www.choosingthebest.com.

A parent is entitled to review the curriculum materials. In addition, a parent may remove his or her child from any part of the human sexuality instruction without academic, disciplinary, or other penalties. A parent may also choose to become more involved with the development of this curriculum by becoming a member of the district's SHAC. (See the campus principal for details.)

Reciting a Portion of the Declaration of Independence in Grades 3–12

State law designates the week of September 17 as Celebrate Freedom Week and requires all social studies classes provide:

- Instruction concerning the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, and
- A specific recitation from the Declaration of Independence for students in grades 3–12.

Per state law, a student may be excused from recitation of a portion of the Declaration of Independence if:

- A parent provides a written statement requesting that his or her child be excused,
- The district determines that the student has a conscientious objection to the recitation, or

- A parent is a representative of a foreign government to whom the U.S. government extends diplomatic immunity.

[See policy EHBK(LEGAL).]

Reciting the Pledges to the U.S. and Texas Flags

A parent may request that his or her child be excused from participation in the daily recitation of the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. The request must be made in writing.

State law, however, requires that all students participate in one minute of silence following recitation of the pledges.

[See **Pledges of Allegiance and a Minute of Silence** on page 77 and policy EC(LEGAL).]

Religious or Moral Beliefs

A parent may remove his or her child temporarily from the classroom if a scheduled instructional activity conflicts with the parent's religious or moral beliefs.

The removal may not be used to avoid a test and may not extend for an entire semester. Further, the student must satisfy grade-level and graduation requirements as determined by the school and by state law.

Tutoring or Test Preparation

A teacher may determine that a student needs additional targeted assistance for the student to achieve mastery in state-developed essential knowledge and skills based on:

- Informal observations,
- Evaluative data such as grades earned on assignments or tests, or
- Results from diagnostic assessments.

The school will always attempt to provide tutoring and strategies for test-taking in ways that prevent removal from other instruction as much as possible.

In accordance with state law and policy EC, without parental permission, districts are prohibited from removing a student from a regularly scheduled class for remedial tutoring or test preparation for more than ten percent of the days the class is offered.

Under state law, students with grades below 70 for a reporting period are required to attend tutorial services—if the district offers these services.

[For questions about school-provided tutoring programs, see policies EC and EHBC, and contact the student's teacher.]

Right of Access to Student Records, Curriculum Materials, and District Records / Policies

Instructional Materials

A parent has the right to review teaching materials, textbooks, and other teaching aids and instructional materials used in the curriculum, and to examine tests that have been administered.

A parent is also entitled to request that the school allow the student to take home instructional materials the student uses. The school may ask the student to return the materials at the beginning of the next school day.

Notices of Certain Student Misconduct to Noncustodial Parent

A noncustodial parent may request in writing that he or she be provided, for the remainder of the school year, a copy of any written notice usually provided to a parent related to his or her child's misconduct that may involve placement in a disciplinary alternative education program (DAEP) or expulsion. [See policy FO(LEGAL) and the Student Code of Conduct.]

Participation in Federally Required, State-Mandated, and District Assessments

In accordance with the Every Student Succeeds Act (ESSA), a parent may request information regarding any federal, state, or district policy related to his or her child's participation in required assessments.

Student Records

Accessing Student Records

- A parent may review his or her child's records. These records include:
- Attendance records,
- Test scores,
- Grades,
- Disciplinary records,
- Counseling records,
- Psychological records,
- Applications for admission,
- Health and immunization information,
- Other medical records,
- Teacher and school counselor evaluations,
- Reports of behavioral patterns,

- Records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child, as the term “intervention strategy” is defined by law,
- State assessment instruments that have been administered to the child, and
- Teaching materials and tests used in the child’s classroom.

Authorized Inspection and Use of Student Records

The Family Educational Rights and Privacy Act (FERPA) affords parents and eligible students certain rights regarding student education records.

For purposes of student records, an “eligible” student is anyone age 18 or older or who attends a postsecondary educational institution. These rights, as discussed here and at **Objecting to the Release of Directory Information** on page 10, are the right to:

- Inspect and review student records within 45 days after the day the school receives a request for access;
- Request an amendment to a student record the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of FERPA;
- Provide written consent before the school discloses personally identifiable information from the student’s records, except to the extent that FERPA authorizes disclosure without consent; and
- File a complaint with the U.S. Department of Education concerning failures by the school to comply with FERPA requirements. The office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202

Both FERPA and state laws safeguard student records from unauthorized inspection or use and provide parents and eligible students certain rights of privacy.

Before disclosing personally identifiable information from a student’s records, the district must verify the identity of the person, including a parent or the student, requesting the information.

Virtually all information pertaining to student performance—including grades, test results, and disciplinary records—is considered confidential educational records.

Inspection and release of student records is restricted to an eligible student or a student’s parent—whether married, separated, or divorced—unless the school receives a copy of a court order terminating parental rights or the right to access a student’s education records.

Federal law requires that control of the records goes to the student as soon as the student:

- Reaches the age of 18,
- Is emancipated by a court, or

- Enrolls in a postsecondary educational institution.

However, the parent may continue to have access to the records if the student is a dependent for tax purposes and, under limited circumstances, when there is a threat to the health and safety of the student or other individuals.

FERPA permits the disclosure of personally identifiable information from a student's education records without written consent of the parent or eligible student:

- When district officials have what federal law refers to as a "legitimate educational interest" in a student's records. School officials would include:
 - Board members and employees, such as the superintendent, administrators, and principals;
 - Teachers, school counselors, diagnosticians, and support staff (including district health or medical staff);
 - A person or company with whom the district has contracted or allowed to provide a specific institutional service or function (such as an attorney, consultant, third-party vendor that offers online programs or software, auditor, medical consultant, therapist, school resource officer, or volunteer);
 - A parent or student serving on a school committee; or
 - A parent or student assisting a school official in the performance of his or her duties.

"Legitimate educational interest" in a student's records includes working with the student; considering disciplinary or academic actions, the student's case, or an individualized education program for a student with disabilities; compiling statistical data; reviewing an educational record to fulfill the official's professional responsibility to the school and the student; or investigating or evaluating programs.

- To authorized representatives of various governmental agencies, including juvenile service providers, the U.S. Comptroller General's office, the U.S. Attorney General's office, the U.S. Secretary of Education, the Texas Education Agency, the U.S. Secretary of Agriculture's office, and Child Protective Services (CPS) caseworkers or, in certain cases, other child welfare representatives.
- To individuals or entities granted access in response to a subpoena or court order.
- To another school, district/system, or postsecondary educational institution to which a student seeks or intends to enroll or in which the student already is enrolled.
- In connection with financial aid for which a student has applied or has received.
- To accrediting organizations to carry out accrediting functions.
- To organizations conducting studies for, or on behalf of, the school to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.
- To appropriate officials in connection with a health or safety emergency.

- When the district discloses directory information-designated details. [To prohibit this disclosure, see **Objecting to the Release of Directory Information** on page 10.]

Release of personally identifiable information to any other person or agency—such as a prospective employer or for a scholarship application—will occur only with parental or student permission as appropriate.

The superintendent [or designee] is custodian of all records for currently enrolled students at the assigned school. The superintendent [or designee] is the custodian of all records for students who have withdrawn or graduated.

A parent or eligible student who wants to inspect the student's records should submit a written request to the records custodian identifying the records he or she wants to inspect.

Records may be reviewed in person during regular school hours. The records custodian or designee will be available to explain the record and to answer questions.

A parent or eligible student who submits a written request and pays copying costs of ten cents per page may obtain copies. If circumstances prevent inspection during regular school hours and the student qualifies for free or reduced-price meals, the district will either provide a copy of the records requested or make other arrangements for the parent or student to review the records.

The address of the superintendent's office is 411 N. Gibson Street, Waxahachie, TX 75165.

The addresses of the principals' offices are:

Turner Prekindergarten Academy, 614 N. Getzendaner St., Waxahachie, Texas 75165

Clift Elementary, 650 Park School House Rd., Waxahachie, Texas 75165

Dunaway Elementary, 600 Hwy. 77 South, Waxahachie, Texas 75165

Felty Elementary, 231 Park Place Blvd., Waxahachie, Texas 75165

Marvin Elementary, 110 Brown St., Waxahachie, Texas 75165

Northside Elementary, 801 Brown St., Waxahachie, Texas 75165

Shackelford Elementary, 1001 Butcher Rd., Waxahachie, Texas 75165

Simpson Elementary, 460 Washington Ave., Waxahachie, Texas 75165

Wedgeworth Elementary, 405 Solon Rd., Waxahachie, Texas 75165

Wilemon S.T.E.A.M. Academy, 600 West Second St., Waxahachie, Texas 75165

Coleman Junior High, 1000 Hwy. 77 North, Waxahachie, Texas, 75165

Finley Junior High, 2401 Brown St., Waxahachie, Texas 75165

Howard Junior High, 265 Broadhead Rd., Waxahachie, Texas 75165

Waxahachie Global High School, 275 Indian Dr., Waxahachie, Texas 75165

Waxahachie High School, 3001 US Hwy. 287 Bypass., Waxahachie, Texas 75167

Waxahachie High School of Choice, 1000 Hwy. 77 North, Waxahachie, Texas 75165

Waxahachie Challenge Academy, 1000 Hwy. 77 North, Waxahachie, Texas 75165

A parent or eligible student may inspect the student's records and request a correction or amendment if the records are considered inaccurate, misleading, or otherwise in violation of the student's privacy rights.

A request to correct a student's record should be submitted to the appropriate records custodian. The request must clearly identify the part of the record that should be corrected and include an explanation of how the information is inaccurate. If the district denies the request to amend the records, the parent or eligible student has the right to request a hearing. If after the hearing the records are not amended, the parent or eligible student has 30 school days to place a statement in the student's record.

Although improperly recorded grades may be challenged, contesting a student's grade in a course or on an examination is handled through the complaint process found in policy FNG(LOCAL). A grade issued by a teacher can be changed only if, as determined by the board of trustees, the grade is arbitrary, erroneous, or inconsistent with the district's grading guidelines. [See Finality of Grades at FNG(LEGAL), **Report Cards/Progress Reports and Conferences** on page 79, and **Complaints and Concerns** on page 39.]

The district's student records policy is found at policy FL(LEGAL) and (LOCAL) and is available at the principal's or superintendent's office or on the district's website at www.wisd.org.

Note: The parent's or eligible student's right of access to and copies of student records does not extend to all records. Materials that are not considered educational records—such as a teacher's personal notes about a student shared only with a substitute teacher—do not have to be made available.

Teacher and Staff Professional Qualifications

A parent may request information regarding the professional qualifications of his or her child's teachers, including whether the teacher:

- Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction,
- Has an emergency permit or other provisional status for which state requirements have been waived, and
- Is currently teaching in the field of discipline of his or her certification.

The parent also has the right to request information about the qualifications of any paraprofessional who may provide services to the child.

A Student with Exceptionalities or Special Circumstances

Children of Military Families

The Interstate Compact on Educational Opportunities for Military Children entitles children of military families to flexibility regarding certain district and state requirements, including:

- Immunization requirements;

- Grade level, course, or educational program placement;
- Eligibility requirements for participation in extracurricular activities;
- Enrollment in the Texas Virtual School Network (TXVSN); and
- Graduation requirements.
- The district will excuse absences related to a student visiting a parent, including a stepparent or legal guardian, who is:
 - Called to active duty,
 - On leave, or
 - Returning from a deployment of at least four months.

The district will permit **no more than five** excused absences per year for this purpose. For the absence to be excused, the absence must occur no earlier than the 60th day before deployment or no later than the 30th day after the parent's return from deployment.

Additional information may be found at [Military Family Resources at the Texas Education Agency](#).

Parental Role in Certain Classroom and School Assignments

Multiple-Birth Siblings

State law permits a parent of multiple-birth siblings (e.g., twins, triplets) assigned to the same grade and campus to request in writing that the children be placed in either the same classroom or separate classrooms.

Written requests must be submitted by the 14th day after the students' enrollment. [See policy FDB(LEGAL).]

Safety Transfers / Assignments

A parent may:

- Request the transfer of his or her child to another classroom or campus if the district has determined that the child has been a victim of bullying, including cyberbullying, as defined by Education Code 37.0832.
- Consult with district administrators if the district has determined that his or her child has engaged in bullying and the board has decided to transfer the child to another classroom or campus.

Transportation is not provided for a transfer to another campus. See the Director of Student and Campus Services for more information.

[See **Bullying** on page 32, and policies FDB and FFI.]

- Request the transfer of his or her child to a safe public school in the district if the child attends a school identified by the Texas Education Agency as persistently dangerous or if

the child has been a victim of a violent criminal offense while at school or on school grounds.

[See policy FDE.]

- Request the transfer of his or her child to another district campus or a neighboring district if the child has been the victim of sexual assault by another student assigned to the same campus, whether the assault occurred on or off campus, and that student has been convicted of or placed on deferred adjudication for the assault. In accordance with policy FDE, if the victim does not wish to transfer, the district will transfer the assailant.

Student Use of a Service / Assistance Animal

A parent of a student who uses a service/assistance animal because of the student's disability must submit a written request to the principal before bringing the service/assistance animal on campus. The district will try to accommodate a request as soon as possible but will do so within ten district business days.

A Student in the Conservatorship of the State (Foster Care)

A student in the conservatorship (custody) of the state who enrolls in the district after the beginning of the school year will be allowed credit-by-examination opportunities at any point during the year.

The district will grant partial course credit by semester when the student only passes one semester of a two-semester course.

A student in the conservatorship of the state who is moved outside the district's or school's attendance boundaries—or who is initially placed in the conservatorship of the state and moved outside the district's or school's boundaries—is entitled to remain at the school the student was attending prior to the placement or move until the student reaches the highest grade level at that particular school.

If a student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, the student can request a diploma from the previous district if the student meets its graduation criteria.

For a student in the conservatorship of the state who is eligible for a tuition and fee exemption under state law and likely to be in care on the day preceding the student's 18th birthday, the district will:

- Assist the student with the completion of applications for admission or financial aid;
- Arrange and accompany the student on campus visits;
- Assist in researching and applying for private or institution-sponsored scholarships;
- Identify whether the student is a candidate for appointment to a military academy;
- Assist the student in registering and preparing for college entrance examinations, including (subject to the availability of funds) arranging for the payment of examination fees by the Texas Department of Family and Protective Services (DFPS); and

- Coordinate contact between the student and a liaison officer for students formerly in the conservatorship of the state.

[See **Credit by Examination for Advancement/Acceleration** on page 42, **Course Credit** on page 42, and **A Student in Foster Care** on page 88 for more information.]

A Student Who Is Homeless

Children who are homeless will be provided flexibility regarding certain district provisions, including:

- Proof of residency requirements;
- Immunization requirements;
- Educational program placement (if the student is unable to provide previous academic records or misses an application deadline during a period of homelessness);
- Credit-by-examination opportunities at any point during the year (if the student enrolled in the district after the beginning of the school year), per State Board of Education (SBOE) rules;
- Awarding partial credit when a student passes only one semester of a two-semester course;
- Eligibility requirements for participation in extracurricular activities; and
- Graduation requirements.

Federal law allows a homeless student to remain enrolled in the “school of origin” or to enroll in a new school in the attendance area where the student is currently residing.

If a homeless student in grade 11 or 12 transfers to another district but does not meet the graduation requirements of the receiving district, state law allows the student to request a diploma from the previous district if the student meets the criteria to graduate from the previous district.

A student or parent who is dissatisfied by the district’s eligibility, school selection, or enrollment decision may appeal through policy FNG(LOCAL). The district will expedite local timelines, when possible, for prompt dispute resolution.

[See **Credit by Examination for Advancement/Acceleration** on page 42, **Course Credit** on page 42, and **Homeless Students** on page 67 for more information.]

A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services

For those students who are having difficulty in the regular classroom, all school districts must consider tutorial, compensatory, and other academic or behavior support services that are available to all students, including a process based on Response to Intervention (RtI). The implementation of RtI has the potential to have a positive impact on the ability of districts to meet the needs of all struggling students.

If a student is experiencing learning difficulties, his or her parent may contact the individuals listed below to learn about the school's overall general education referral or screening system for support services.

This system links student to a variety of support options, including making a referral for a special education evaluation or for a Section 504 evaluation to determine whether the student needs specific aids, accommodations, or services. A parent may request an evaluation for special education or Section 504 services at any time.

Special Education Referrals

If a parent makes a **written request** for an initial evaluation for special education services to the director of special education services or to a district administrative employee of the school district, the district must respond no later than **15 school days** after receiving the request. At that time, the district must give the parent prior written notice of whether it agrees or refuses to evaluate the student, along with a copy of the Notice of Procedural Safeguards. If the district agrees to evaluate the student, it must also give the parent the opportunity to give written consent for the evaluation.

Note: A request for a special education evaluation may be made verbally; it does not need to be made in writing. Districts must still comply with all federal prior-written notices and procedural safeguard requirements as well as the requirements for identifying, locating, and evaluating children who are suspected of having a disability and in need of special education. However, a verbal request does not require the district to respond within the 15 school-day timeline.

If the district decides to evaluate the student, it must complete the student's initial evaluation and evaluation report no later than 45 school days from the day it receives a parent's written consent. However, if the student is absent from school during the evaluation period for three or more school days, the evaluation period will be extended by the number of school days equal to the number of school days that the student is absent.

There is an **exception** to the 45-school-day timeline. If the district receives a parent's consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year, it must complete the written report and provide a copy of the report to the parent by June 30 of that year. However, if the student is absent from school for three or more days during the evaluation period, the June 30 due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply.

Upon completing the evaluation, the district must give the parent a copy of the evaluation report at no cost.

Additional information regarding special education is available from the school district in a companion document titled *Parent's Guide to the Admission, Review, and Dismissal Process*.

Contact Person for Special Education Referrals

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for special education services is Brandy Pustejovsky, WISD Special Education Director, at 972-923-4638.

Section 504 Referrals

Each school district must have standards and procedures in place for the evaluation and placement of students in the district's Section 504 program. Districts must also implement a system of procedural safeguards that includes:

- Notice,
- An opportunity for a parent or guardian to examine relevant records,
- An impartial hearing with an opportunity for participation by the parent or guardian and representation by counsel, and
- A review procedure.

Contact Person for Section 504 Referrals

The designated person to contact regarding options for a student experiencing learning difficulties or regarding a referral for evaluation for Section 504 services is Ginger Robinson, WISD Section 504 Coordinator, at 972-923-4727.

[See **A Student with Physical or Mental Impairments Protected under Section 504** on page 25.]

Visit these websites for information regarding students with disabilities and the family:

- [Legal Framework for the Child-Centered Special Education Process](#)
- [Partners Resource Network](#)
- [Special Education Information Center](#)
- [Texas Project First](#)

Notification to Parents of Intervention Strategies for Learning Difficulties Provided to Students in General Education

In accordance with state law, the district will annually notify parents if their child receives assistance for learning difficulties. Details of such assistance can include intervention strategies. This notice is not intended for those students already enrolled in a special education program.

A Student Who Receives Special Education Services with Other School- Aged Children in the Home

If a student is receiving special education services at a campus outside his or her attendance zone, state law permits the parent or guardian to request that other students residing in the household be transferred to the same campus—if the grade level for the transferring student is offered on that campus.

The student receiving special education services would be entitled to transportation; however, the district is not required to provide transportation to other children in the household.

The parent or guardian should contact the school principal regarding transportation needs prior to requesting a transfer for other children in the home. [See policy FDB(LOCAL).]

A Student Who Speaks a Primary Language Other than English

A student may be eligible to receive specialized support if his or her primary language is not English, and the student has difficulty performing ordinary class work in English.

If the student qualifies for these services, the Language Proficiency Assessment Committee (LPAC) will determine the types of services the student needs, including accommodations or modifications related to classroom instruction, local assessments, and state-mandated assessments.

A Student with Physical or Mental Impairments Protected under Section 504

A student with a physical or mental impairment that substantially limits a major life activity, as defined by law—and who does not otherwise qualify for special education services—may qualify for protections under Section 504 of the Rehabilitation Act.

Section 504 is a federal law designed to prohibit discrimination against individuals with disabilities.

When an evaluation is requested, a committee will be formed to determine whether the student needs services and supports under Section 504 in order to receive a free appropriate public education (FAPE), as defined in federal law.

[See policy FB.]

[See **A Student Who Has Learning Difficulties or Who Needs Special Education or Section 504 Services** on page 22 for more information.]

Section II: Other Important Information for Parents and Students

Topics in this section of the Student Handbook contain important information on academics, school activities, and school operations and requirements. Take a moment with your child to become familiar with the various issues addressed in this section. It is organized in alphabetical order to serve as a quick-reference when you or your child has a question about a specific school-related issue. Where possible, the topics are also organized to alert you to the applicability of each topic based on a student's age or grade level. Should you be unable to find the information on a particular topic, please contact Jacob Perry, Director of Campus and Student Services at 972-923-4631.

Absences / Attendance

Regular school attendance is essential for a student to make the most of his or her education—to benefit from teacher-led and school activities, to build each day's learning on the previous day's, and to grow as an individual. Absences from class may result in serious disruption of a student's mastery of the instructional materials; therefore, the student and parent should make every effort to avoid unnecessary absences. Two state laws—one dealing with the required presence of school-aged children in school, e.g., compulsory attendance, the other with how a student's attendance affects the award of a student's final grade or course credit—are of special interest to students and parents. They are discussed below.

Compulsory Attendance

Age 19 and Older

A student who voluntarily attends or enrolls after his or her 19th birthday is required to attend each school day until the end of the school year. If a student age 19 or older has more than five unexcused absences in a semester, the district may revoke the student's enrollment. The student's presence on school property thereafter would be unauthorized and may be considered trespassing. [See policy FEA.]

Between Ages 6 and 19

State law requires that a student between the ages of 6 and 19 attend school, as well as any applicable accelerated instruction program, extended year program, or tutorial session, unless the student is otherwise excused from attendance or legally exempt.

State law requires attendance in an accelerated reading instruction program when kindergarten, first grade, or second grade students are assigned to such a program. Parents will be notified in writing if their child is assigned to an accelerated reading instruction program as a result of a diagnostic reading instrument.

A student will be required to attend any assigned accelerated instruction program, which may occur before or after school or during the summer, if the student does not meet the passing standards on the state assessment for his or her grade level and/or applicable subject area.

Prekindergarten and Kindergarten

Students enrolled in prekindergarten or kindergarten are required to attend school and are subject to the compulsory attendance requirements as long as they remain enrolled.

Exemptions to Compulsory Attendance

All Grade Levels

State law allows exemptions to the compulsory attendance requirements for several types of absences if the student makes up all work. These include the following activities and events:

- Religious holy days;
- Required court appearances;
- Activities related to obtaining U.S. citizenship;
- Documented health-care appointments for the student or a child of the student, including absences for recognized services for students diagnosed with autism spectrum disorders, if the student comes to school or returns to school on the same day as the appointment. A note from the health-care provider must be submitted upon the student's arrival or return to campus; and
- For students in the conservatorship (custody) of the state,
 - An activity required under a court-ordered service plan; or
 - Any other court-ordered activity, provided it is not practicable to schedule the student's participation in the activity outside of school hours.

As listed in Section I at **Children of Military Families**, absences of up to five days will be excused for a student to visit with a parent, stepparent, or legal guardian who has been called to duty for, is on leave from, or immediately returned from certain deployments. [See page 19.]

Secondary Grade Levels

In addition, a junior or senior student's absence of up to two days related to visiting a college or university will be considered an exemption, provided this has been authorized by the board under policy FEA(LOCAL), the student receives approval from the campus principal, follows the campus procedures to verify such a visit, and makes up any work missed.

An absence will also be considered an exemption if a student 17 years of age or older is pursuing enlistment in a branch of the U.S. armed services or Texas National Guard, provided the absence does not exceed four days during the period the student is enrolled in high school and the student provides verification to the district of these activities.

Absences of up to two days in a school year will also be considered an exemption for a student serving as:

- An early voting clerk, provided the district's board has authorized this in policy FEA(LOCAL), the student notifies his or her teachers, and the student receives approval from the principal prior to the absences; and

- An election clerk, if the student makes up any work missed.

An absence of a student in grades 6–12 for the purpose of sounding “Taps” at a military honors funeral for a deceased veteran will also be excused by the district.

Failure to Comply with Compulsory Attendance

All Grade Levels

School employees must investigate and report violations of the state compulsory attendance law. A student who is absent without permission from school; from any class; from required special programs, such as additional special instruction, termed “accelerated instruction” by the state; or from required tutorials will be considered in violation of the compulsory attendance law and subject to disciplinary action.

Students with Disabilities

If a student with a disability is experiencing attendance issues, the student’s ARD committee or Section 504 committee will be notified, and the committee will determine whether the attendance issues warrant an evaluation, a reevaluation, and/or modifications to the student’s individualized education program or Section 504 plan, as appropriate.

Age 19 and Older

After a student age 19 or older incurs a third unexcused absence, the district will send the student a letter as required by law explaining that the district may revoke the student’s enrollment for the remainder of the school year if the student has more than five unexcused absences in a semester. As an alternative to revoking a student’s enrollment, the district may implement a behavior improvement plan.

Between Ages 6 and 19

When a student between ages 6 and 19 incurs unexcused absences for three or more days or parts of days within a four-week period, the school will send a notice to the student’s parent, as required by law, to remind the parent that it is the parent’s duty to monitor the student’s attendance and to require the student to come to school. The notice will also inform the parent that the district will initiate truancy prevention measures and request a conference between school administrators and the parent. These measures will include a behavior improvement plan, school-based community service, or referrals to either in-school or out-of-school counseling or other social services. Any other measures considered appropriate by the district will also be initiated.

The truancy prevention facilitator for the district is Jacob Perry, Director of Campus and Student Services. If you have questions about your student and the effect of his or her absences from school, please contact the facilitator or any other campus administrator.

A court of law may also impose penalties against a student’s parent if a school-aged student is deliberately not attending school. A complaint against the parent may be filed in court if the student is absent without excuse from school on ten or more days or parts of days within a six-month period in the same school year.

Withdrawal of Students Due to Lack of Attendance

According to TEA Student Attendance Accounting Handbook (2020-2021) 3.4.3 and WISD Board Policy FEA (Local) “Students Whose Whereabouts Are Unknown” may be unenrolled by the district for non-attendance. The withdrawal of a student may only be carried out after the following steps have been taken:

1. Student has 10 consecutive unexcused absences.
2. Parent/Guardian contact has been attempted through every available contact for student and other avenues of contact if available (i.e. relatives).
3. Home visit(s) have been conducted and either produced no evidence of the student living at the residence or current residence is not the family or student being sought out.
4. Written documentation on each step of determining whereabouts of student are to be recorded and kept in student’s file.

[See policies FEA(LEGAL) and FED(LEGAL).]

Attendance for Credit or Final Grade (Kindergarten–Grade 12)

To receive credit or a final grade in a class, a student in kindergarten–grade 12 must attend at least 90 percent of the days the class is offered. A student who attends at least 75 percent but fewer than 90 percent of the days the class is offered may receive credit or a final grade for the class if he or she completes a plan, approved by the principal, who allows the student to fulfill the instructional requirements for the class. If a student is involved in a criminal or juvenile court proceeding, the approval of the judge presiding over the case will also be required before the student receives credit or a final grade for the class.

If a student attends less than 75 percent of the days a class is offered or has not completed the plan approved by the principal, then the student will be referred to the attendance review committee to determine whether there are extenuating circumstances for the absences and how the student can regain credit or a final grade lost because of absences. [See policy FEC.]

All absences, whether excused or unexcused, must be considered in determining whether a student has attended the required percentage of days. In determining whether there were extenuating circumstances for the absences, the attendance committee will use the following guidelines:

- If makeup work is completed, absences for the reasons listed above at **Exemptions to Compulsory Attendance** will be considered extenuating circumstances for purposes of attendance for credit or the award of a final grade.
- A transfer or migrant student begins to accumulate absences only after he or she has enrolled in the district.
- In reaching a decision about a student’s absences, the committee will attempt to ensure that it is in the best interest of the student.
- The committee will review absences incurred based on the student’s participation in board-approved extracurricular activities. These absences will be considered by the attendance committee as extenuating circumstances in accordance with the absences allowed under FM(LOCAL) if the student made up the work missed in each class.

- The committee will consider the acceptability and authenticity of documented reasons for the student's absences.
- The committee will consider whether the absences were for reasons over which the student or the student's parent could exercise any control.
- The committee will consider the extent to which the student has completed all assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject.
- The student or parent will be given an opportunity to present any information to the committee about the absences and to talk about ways to earn or regain credit or a final grade.

The student or parent may appeal the committee's decision to the board by following policy FNG(LOCAL).

The actual number of days a student must be in attendance to receive credit or a final grade will depend on whether the class is for a full semester or for a full year.

Official Attendance-Taking Time (All Grade Levels)

The district must submit attendance of its students to the TEA reflecting attendance at a specific time each day.

Official attendance is taken every day at the times below, which are during the second instructional hour as required by state rule.

- Elementary: 9:30 a.m.
- Junior Highs and Waxahachie Global High School: 10:00 a.m.
- Waxahachie High School: 10:15 a.m.
- Waxahachie High School of Choice-afternoon session: 1:30pm

A student absent for any portion of the day, including at the official attendance-taking time, should follow the procedures below to provide documentation of the absence.

Documentation after an Absence (All Grade Levels)

When a student is absent from school, the student—upon arrival or return to school—must bring a note signed by the parent that describes the reason for the absence. A note signed by the student, even with the parent's permission, will not be accepted unless the student is age 18 or older or is an emancipated minor under state law. A phone call from the parent may be accepted, but the district reserves the right to require a written note.

The campus will document in its attendance records for the student whether the absence is considered by the district to be excused or unexcused.

Note: Unless the absence is for a statutorily allowed reason under compulsory attendance laws, the district is not required to excuse any absence, even if the parent provides a note explaining the absence

Doctor's Note after an Absence for Illness (All Grade Levels)

Within three (3) days of returning to school, a student absent for more than three (3) consecutive days because of a personal illness must bring a statement from a doctor or health clinic verifying the illness or condition that caused the student's extended absence from school. Otherwise, the student's absence may be considered unexcused and, if so, would be considered to be in violation of compulsory attendance laws.

Should the student develop a questionable pattern of absences, the principal or attendance committee may require a statement from a doctor or health clinic verifying the illness or condition that caused the student's absence from school to determine whether the absence or absences will be excused or unexcused.

[See policy FEC(LOCAL).]

Driver License Attendance Verification (Secondary Grade Levels Only)

For a student between the ages of 16 and 18 to obtain a driver license, written parental permission must be provided for the Texas Department of Public Safety (DPS) to access the student's attendance records and, in certain circumstances, for a school administrator to provide the student's attendance information to DPS. A verification of enrollment (VOE) and attendance form may be obtained from the office, which the student will need to submit to DPS upon application for a driver license.

Accountability under State and Federal Law (All Grade Levels)

Waxahachie ISD and each of its campuses are held to certain standards of accountability under state and federal law. A key component of the accountability requirements is the dissemination and publication of certain reports and information, which include:

- The Texas Academic Performance Report (TAPR) for the district, compiled by TEA, the state agency that oversees public education, based on academic factors and ratings;
- A School Report Card (SRC) for each campus in the district compiled by TEA based on academic factors and ratings;
- The district's financial management report, which will include the financial accountability rating assigned to the district by TEA; and
- Information compiled by TEA for the submission of a federal report card that is required by federal law.

This information can be found on the district's website at www.wisd.org. Hard copies of any reports are available upon request to the district's administration office.

TEA also maintains additional accountability and accreditation information at [TEA Performance Reporting Division](#) and the [TEA homepage](#).

Armed Services Vocational Aptitude Battery Test

A student in grades 10–12 will be offered an opportunity to take the Armed Services Vocational Aptitude Battery test and consult with a military recruiter.

Information on testing dates, times and locations will be communicated to students and parents. You may contact Darin Ford at Waxahachie High School for information about this opportunity.

Awards and Honors (All Grade Levels)

Refer to your campus addendum for information related to awards and honors.

Bullying (All Grade Levels)

Bullying is defined in state law as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
- Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
- Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
- Infringes on the rights of the victim at school.

Bullying includes cyberbullying. Cyberbullying is defined by state law as bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

The district is required to adopt policies and procedures regarding:

- Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
- Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
- Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying interferes with a student's educational opportunities or substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Bullying is prohibited by the district and could include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor-spreading, or ostracism.

If a student believes that he or she has experienced bullying or has witnessed bullying of another student, it is important for the student or parent to notify a teacher, school counselor, principal, or another district employee as soon as possible to obtain assistance and intervention. The administration will investigate any allegations of bullying or other related misconduct. The district will also provide notice to the parent of the alleged victim and the parent of the student alleged to have engaged in bullying. A student may anonymously report an alleged incident of bullying through the TIP411 reporting system on the WISD website (www.wisd.org/apps/pages/bullying).

If the results of an investigation indicate that bullying has occurred, the administration will take appropriate disciplinary action and may notify law enforcement in certain circumstances. Disciplinary or other action may be taken even if the conduct did not rise to the level of bullying. Available counseling options will be provided to these individuals, as well as to any students who have been identified as witnesses to the bullying.

Any retaliation against a student who reports an incident of bullying is prohibited.

Upon the recommendation of the administration, the board may, in response to an identified case of bullying, decide to transfer a student found to have engaged in bullying to another classroom at the campus. In consultation with the student's parent, the student may also be transferred to another campus in the district. The parent of a student who has been determined by the district to be a victim of bullying may request that the student be transferred to another classroom or campus within the district. [See **Safety Transfers/Assignments** on page 20.]

A copy of the district's policy is available in the principal's office, superintendent's office, and on the district's website, and is included at the end of this handbook in the form of an appendix. Procedures related to reporting allegations of bullying may also be found on the district's website.

A student or parent who is dissatisfied with the outcome of an investigation may appeal through policy FNG(LOCAL).

[See **Safety Transfers/Assignments** on page 20, **Dating Violence, Discrimination, Harassment, and Retaliation** on page 43, **Hazing** on page 62, policy FFI, the district's Student Code of Conduct, and the district improvement plan, a copy of which can be viewed in the campus office.]

Career and Technical Education (CTE) Programs (Secondary Grade Levels Only)

Waxahachie ISD offers career and technical education programs from the 16 nationally established career cluster areas. Admission to these programs is based on career interest, aptitude and schedule availability.

It is the policy of the district not to discriminate on the basis of race, color, national origin, sex, or handicap in its vocational programs, services, or activities as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973, as amended.

It is the policy of the district not to discriminate on the basis of race, color, national origin, sex, handicap, or age in its employment practices as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

The district will take steps to assure that lack of English language skills will not be a barrier to admission and participation in all educational and vocational programs.

[See **Nondiscrimination Statement** on page 74 for the name and contact information for the Title IX coordinator and ADA/Section 504 coordinator, who will address certain allegations of discrimination.]

Celebrations (All Grade Levels)

Although a parent or grandparent is not prohibited from providing food for a school-designated function or for children in the child's or grandchild's classroom for his or her birthday, please be aware that children in the school may have severe allergies to certain food products. Therefore, it is imperative to discuss this with the child's teacher prior to bringing any food in this circumstance. Occasionally, the school or a class may host certain functions or celebrations tied to the curriculum that will involve food. The school or teacher will notify students and parents of any known food allergies when soliciting potential volunteers for bringing food products.

- Due to student food allergies, the parent will give the teacher prior notice of when the celebration snack will be brought to the school.
- Treats must arrive at the school no later than noon on the pre-arranged date for the snack to be distributed to the class.
- To help avoid lost instructional time, the distribution of the snack will occur at the end of the school day and will be distributed by the student's teacher.
- No beverages are allowed, but water is available on the campus.
- The snack must be pre-packaged and the label of ingredients must be on the individual snack package.
- Healthy snacks are encouraged and a School Health Advisory Committee (SHAC) has provided a list of healthy options below:
 - Cookies or animal crackers (no nuts or peanut butter)
 - Crackers or graham crackers (no nuts or peanut butter)
 - Pretzels
 - Chips
 - Rice crispy treats
 - Goldfish
 - Cheese Nips
 - Fruit snacks

- Granola bars (no nuts or peanut butter)

[See **Food Allergies** on page 64.]

Invitations

Invitations to individual birthday or other parties are not allowed to be distributed at school. Floral arrangements, balloons, cookie grams, etc., will not be delivered to the student at school. Deliveries of this nature are not permitted as they are interruptions to the instructional program.

Child Sexual Abuse and Other Maltreatment of Children (All Grade Levels)

The district has established a plan for addressing child sexual abuse, trafficking, and other maltreatment of children, which may be accessed at www.wisd.org. Trafficking includes both sex and labor trafficking.

As a parent, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child's mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. A person who compels or encourages a child to engage in sexual conduct commits abuse. It is illegal to make or possess child pornography or to display such material to a child. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility, under state law, for reporting the suspected abuse or neglect to law enforcement or to Child Protective Services (CPS).

Possible physical warning signs of sexual abuse could be difficulty sitting or walking, pain in the genital areas, and claims of stomachaches and headaches, unexplained injuries, tattoos or branding, and sudden appearance of expensive items. Behavioral indicators may include verbal references or pretend games of sexual activity between adults and children, fear of being alone with adults of a particular gender, frequent runaway episodes, provocative pictures posted online, isolation from family, friends and the community, older boyfriends or girlfriends or sexually suggestive behavior. Emotional warning signs to be aware of include withdrawal, depression, sleeping and eating disorders, and problems in school.

A child who has experienced sexual abuse or any other type of abuse or neglect should be encouraged to seek out a trusted adult. Be aware as a parent or other trusted adult that disclosures of sexual abuse may be more indirect than disclosures of physical abuse and neglect, and it is important to be calm and comforting if your child, or another child, confides in you. Reassure the child that he or she did the right thing by telling you.

Parents, if your child is a victim of sexual abuse or other maltreatment, the school counselor or principal will provide information regarding counseling options for you and your child available in your area. The Texas Department of Family and Protective Services (DFPS) also manages early intervention counseling programs. [To find out what services may be available in your county, see [Texas Department of Family and Protective Services, Programs Available in Your County](#).]

Be aware that children and adolescents who have experienced dating violence may show similar physical, behavioral, and emotional warning signs. [See **Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)** on page 43.]

The following websites might help you become more aware of child abuse and neglect:

- [Child Welfare Information Gateway Factsheet](#) (pdf)
- [KidsHealth, For Parents, Child Abuse](#)
- [Texas Association Against Sexual Assault, Resources](#)

Reports of abuse or neglect may be made to:

The CPS division of the DFPS (1-800-252-5400 or on the web at [Texas Abuse Hotline Website](#)).

Class Rank / Highest-Ranking Student (Secondary Grade Levels Only)

The District shall include in the calculation of class rank only semester grades earned in grades 9–12 for high school credit in the following subjects: English, mathematics (not including math electives), science, social studies, and, beginning with students who entered grade 9 in the 2021–22 school year, languages other than English.

District-approved distance learning courses in these subjects, including approved courses taken through the Texas Virtual School Network (TxVSN), shall be included in class rank calculations.

The calculation of class rank shall exclude grades earned in or by credit by examination, with or without prior instruction; summer school courses, except courses taken for acceleration; and distance learning courses not approved for this purpose.

- The weighted grade system used in the district to calculate class rank [i.e., weighted numerical average or weighted grade point average (GPA)];
- When a student transfers grades for properly documented and eligible courses, the District shall assign weight to those grades based on the categories and grade weight system used by the District.
- Class rank for all students in grades 10–12 shall be calculated three times per year, following the first full semester, the second full semester, and at the completion of all summer school programs. Official class rankings for students in grade 9 shall be calculated only after the completion of the second full semester and all summer school programs.
- For the purpose of determining honors to be conferred during graduation activities, the District shall calculate class rank using grades available at the time of calculation at the end of the fifth six-week grading period of the senior year. The grade for the fifth six-week grading period shall be used as the semester grade for this purpose. For the purpose of applications to institutions of higher education, the District shall also calculate class ranking as required by state law. The District's eligibility criteria for local graduation honors shall apply only for local recognitions and shall not restrict class ranking for the purpose of automatic admission under state law. [See EIC(LEGAL)]
- Valedictorian and Salutatorian: The student graduating from a WISD High School with the highest cumulative grade point ranking on the 6.0 scale will be deemed the Valedictorian. The student with the second highest cumulative grade point ranking will be deemed Salutatorian. The Valedictorian and Salutatorian must have been continuously enrolled in the same high school **for three consecutive school years** immediately preceding graduation. Early graduates shall not be considered for Valedictorian and Salutatorian.

In order to determine the Valedictorian and Salutatorian, cumulative grade point rankings will be calculated at the end of the fifth six weeks of the student's senior year.

- In case of a tie in weighted grade point averages among the top ranking students, the following methods shall be used to determine who shall be recognized as salutatorian or valedictorian:

- The weighted grade point average shall be computed to a sufficient number of decimal places until the tie is broken.
- However, if a tie still remains, the student with the highest numerical grade average of all Pre-AP, AP, and dual credit courses taken shall be designated.

For further information, see policy EIC.

Class Schedules (Secondary Grade Levels Only)

All students are expected to attend school for the entire school day and maintain a class/course schedule to fulfill each period of the day. Exceptions may be made occasionally by the campus principal for students in grades 9–12 who meet specific criteria and receive parental consent to enroll in less than a full-day's schedule.

[See **Schedule Changes** on page 82 for information related to student requests to revise their course schedule.]

College and University Admissions and Financial Aid (Secondary Grade Levels Only)

For two school years following graduation, a district student who graduates in the top ten percent and, in some cases, the top 25 percent, of his or her class is eligible for automatic admission into four-year public universities and colleges in Texas if the student:

- Completes the distinguished level of achievement under the foundation graduation program (a student must graduate with at least one endorsement and must have taken Algebra II as one of the four required math courses); or
- Satisfies the ACT College Readiness Benchmarks or earns at least a 1500 out of 2400 on the SAT.

In addition, the student must submit a completed application for admission in accordance with the deadline established by the college or university. The student is ultimately responsible for ensuring that he or she meets the admission requirements of the university or college to which the student submits an application.

The University of Texas at Austin may limit the number of students automatically admitted to 75 percent of the University's enrollment capacity for incoming resident freshmen. For students who are eligible to enroll in the University during the summer or fall 2021 terms or spring 2022 term, the University will admit the top six percent of the high school's graduating class who meet the above requirements. Additional applicants will be considered by the University through a holistic review process.

Should a college or university adopt an admissions policy that automatically accepts the top 25 percent of a graduating class, the provisions above will also apply to a student ranked in the top 25 percent of his or her class.

Upon a student's registration for his or her first course that is required for high school graduation, the district will provide written notice concerning automatic college admission, the curriculum requirements for financial aid, and the benefits of completing the requirements for automatic admission and financial aid. Parents and students will be asked to sign an acknowledgment that they received this information.

Students and parents should contact the school counselor for further information about automatic admissions, the application process, and deadlines.

[See **Class Rank/Highest-Ranking Student** on page 36 for information specifically related to how the district calculates a student's rank in class, and requirements for **Graduation** on page 57 for information associated with the foundation graduation program.]

[See **Students in the Conservatorship of the State (Foster Care)** on page 21 for information on assistance in transitioning to higher education for students in foster care.]

College Credit Courses (Secondary Grade Levels Only)

Students in grades 9–12 have opportunities to earn college credit through the following methods:

- Certain courses taught at the high school campus, which may include courses termed dual credit, Advanced Placement (AP), International Baccalaureate (IB), or college preparatory;
- Enrollment in an AP or dual credit course through the Texas Virtual School Network (TXVSN);
- Enrollment in courses taught at other colleges or universities; and
- Certain CTE courses.

All these methods have eligibility requirements and must be approved prior to enrollment in the course. Please see the school counselor for more information. Depending on the student's grade level and the course, a state-mandated end-of-course assessment may be required for graduation.

It is important to keep in mind that not all colleges and universities accept credit earned in all dual credit or AP courses taken in high school for college credit. Students and parents should

check with the prospective college or university to determine if a particular course will count toward the student's desired degree plan.

Communications—Automated

Emergency

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. An emergency purpose may include early dismissal or delayed opening because of severe weather or another emergency, or if the campus must restrict access due to a security threat. It is crucial to notify your child's school when a phone number previously provided to the district has changed.

[See **Safety** on page 80 for information regarding contact with parents during an emergency situation.]

Non-emergency

Your child's school will request that you provide contact information, such as your phone number and email address, for the school to communicate items specific to your child, your child's school, or the district. If you consent to receive such information through a landline or wireless phone, please ensure that you notify the school's administration office immediately upon a change in your phone number. The district or school may generate automated or pre-recorded messages, text messages, or real-time phone or email communications that are closely related the school's mission, so prompt notification of any change in contact information will be crucial to maintain timely communication with you. Standard messaging rates of your phone carrier may apply. If you have specific requests or needs related to how the district contacts you, please contact your child's principal. [See **Safety** on page 80 for information regarding contact with parents during an emergency.]

Complaints and Concerns (All Grade Levels)

Usually student or parent complaints or concerns can be addressed informally by a phone call or a conference with the teacher or principal. For those complaints and concerns that cannot be handled so easily, the board has adopted a standard complaint policy at FNG(LOCAL) in the district's policy manual, available on the district's website at <https://pol.tasb.org/home/index/433> . A copy of the complaint forms may be obtained in the principal's or superintendent's office or on the district website at https://www.wisd.org/apps/pages/index.jsp?uREC_ID=1083373&type=d&pREC_ID=1634336.

Should a parent or student feel a need to file a formal complaint, the parent or student should file a district complaint form within the timelines established in policy FNG(LOCAL). In general, the student or parent should submit the written complaint form to the campus principal. If the concern is not resolved, a request for a conference should be sent to the superintendent. If still unresolved, the district provides for the complaint to be presented to the board of trustees.

Conduct (All Grade Levels)

Applicability of School Rules

As required by law, the board has adopted a Student Code of Conduct that prohibits certain behaviors and defines standards of acceptable behavior—both on and off campus as well as on district vehicles—and consequences for violation of these standards. The district has disciplinary authority over a student in accordance with the Student Code of Conduct. Students and parents should be familiar with the standards set out in the Student Code of Conduct, as well as campus and classroom rules. During any periods of instruction during the summer months, the Student Handbook and Student Code of Conduct in place for the year immediately preceding the summer period shall apply, unless the district amends either or both documents for the purposes of summer instruction.

Campus Behavior Coordinator

By law, each campus has a campus behavior coordinator to apply discipline management techniques and administer consequences for certain student misconduct, as well as provide a point of contact for student misconduct. The campus behavior coordinator will be the principal or their designee.

Deliveries

Except in emergencies, delivery of messages or packages to students will not be allowed during instructional time. A parent may leave a message or a package, such as a forgotten lunch, for the student to pick up from the front office during a passing period or lunch.

Disruptions of School Operations

Disruptions of school operations are not tolerated and may constitute a misdemeanor offense. As identified by state law, disruptions include the following:

- Interference with the movement of people at an exit, entrance, or hallway of a district building without authorization from an administrator.
- Interference with an authorized activity by seizing control of all or part of a building.
- Use of force, violence, or threats in an attempt to prevent participation in an authorized assembly.
- Use of force, violence, or threats to cause disruption during an assembly.
- Interference with the movement of people at an exit or an entrance to district property.
- Use of force, violence, or threats in an attempt to prevent people from entering or leaving district property without authorization from an administrator.
- Disruption of classes or other school activities while on district property or on public property that is within 500 feet of district property. Class disruption includes making loud noises; trying to entice a student away from, or to prevent a student from attending, a

required class or activity; and entering a classroom without authorization and disrupting the activity with loud or profane language or any misconduct.

- Interference with the transportation of students in vehicles owned or operated by the district.

Social Events

School rules apply to all school social events. Guests attending these events are expected to observe the same rules as students, and a student inviting a guest will share responsibility for the conduct of his or her guest.

A student attending a social event will be asked to sign out when leaving before the end of the event; anyone leaving before the official end of the event will not be readmitted.

Please contact the campus principal if you are interested in serving as a chaperone for any school social events.

Counseling

Academic Counseling

Elementary and Middle / Junior High School Grade Levels

The school counselor is available to students and parents to talk about the importance of postsecondary education and how best to plan for postsecondary education, including appropriate courses to consider and financial aid availability and requirements.

In either grade 7 or 8, each student will receive instruction related to how the student can best prepare for high school, college, and a career.

High School Grade Levels

High school students and their parents are encouraged to talk with a school counselor, teacher, or principal to learn more about course offerings, graduation requirements, and early graduation procedures. Each year, high school students will be provided information on anticipated course offerings for the next school year and other information that will help them make the most of academic and CTE opportunities, as well as information on the importance of postsecondary education.

The school counselor can also provide information about entrance examinations and application deadlines, as well as information about automatic admission, financial aid, housing, and scholarships as these relate to state colleges and universities. Additionally, the school counselor can provide information about workforce opportunities after graduation or technical and trade school opportunities, including opportunities to earn industry-recognized certificates and licenses.

Personal Counseling (All Grade Levels)

The school counselor is available to assist students with a wide range of personal concerns, including such areas as social, family, emotional or mental health issues, or substance abuse. A

student who wishes to meet with the school counselor should contact the counselor or front office/counseling office staff. As a parent, if you are concerned about your child's mental or emotional health, please speak with the school counselor for a list of resources that may be of assistance.

[See **Substance Abuse Prevention and Intervention** on page 89, **Suicide Awareness and Mental Health Support** on page 89, and **Child Sexual Abuse and Other Maltreatment of Children and Dating Violence** on page 35.]

Course Credit (Secondary Grade Levels Only)

A student in grades 9–12, or in a lower grade when a student is enrolled in a high school credit-bearing course, will earn credit for a course only if the final grade is 70 or above. For a two-semester (1 credit) course, the student's grades from both semesters will be averaged and credit will be awarded if the combined average is 70 or above. Should the student's combined average be less than 70, the student will be required to retake the semester in which he or she failed.

Credit by Examination *If a Student Has Taken the Course / Subject* (All Grade Levels)

A student who has previously taken a course or subject—but did not receive credit or a final grade for it—may, in circumstances determined by the principal or attendance committee, be permitted to earn credit or a final grade by passing an examination approved by the district's board of trustees on the essential knowledge and skills defined for that course or subject. Prior instruction may include, for example, incomplete coursework due to a failed course or excessive absences, homeschooling, or coursework by a student transferring from a non-accredited school. The opportunity to take an examination to earn credit for a course or to be awarded a final grade in a subject after the student has had prior instruction is sometimes referred to as "credit recovery."

If the student is granted approval to take an examination for this purpose, the student must score at least 70 on the examination to receive credit for the course or subject.

The attendance review committee may also offer a student with excessive absences an opportunity to earn credit for a course by passing an examination.

[For further information, see the school counselor and policy EHDB(LOCAL).]

Credit by Examination for Advancement / Acceleration *If a Student Has Not Taken the Course / Subject*

A student will be permitted to take an examination to earn credit for an academic course or subject area for which the student has had no prior instruction, i.e., for advancement or to accelerate to the next grade level. The examinations offered by the district are approved by the district's board of trustees. The dates on which examinations are scheduled during the 2021–2022 school year will be published in appropriate district publications and on the district's website.

The only exceptions to the published dates will be for any examinations administered by another entity besides the district or if a request is made outside of these time frames by a student experiencing homelessness or by a student involved in the foster care system. When another entity administers an examination, a student and the district must comply with the testing schedule of the other entity. During each testing window provided by the district, a student may attempt a specific examination only once.

If a student plans to take an examination, the student (or parent) must register with the school counselor no later than 30 days prior to the scheduled testing date. [For further information, see policy EHDC.]

Kindergarten Acceleration

A student who is five years old at the beginning of the school year and wishing to be accelerated to grade 1 rather than starting kindergarten must have the parent contact their child's campus counselor for more information. A student must meet the following criteria for acceleration.

1. Scores 80 percent or higher on readiness tests or achievement tests that may be administered by appropriate District personnel.
2. Recommendation of the kindergarten or preschool the student has attended.
3. Chronological age and observed social and emotional development of the student.
4. Other criteria deemed appropriate by the principal and Superintendent.

[For further information, see policy EHDC (LOCAL).]

Students in Grades 1–5

A student in elementary school will be eligible to accelerate to the next grade level if the student scores at least 80 on each examination in the subject areas of language arts, mathematics, science, and social studies, a district administrator recommends that the student be accelerated, and the student's parent gives written approval of the grade advancement.

Students in Grades 6–12

A student in grade 6 or above will earn course credit with a passing score of at least 80 on the examination, a scaled score of 50 or higher on an examination administered through the CLEP, or a score of 3 or higher on an AP examination, as applicable. A student may take an examination to earn high school course credit no more than twice. If a student fails to achieve the designated score on the applicable exam before the beginning of the school year in which the student would need to enroll in the course according to the school's high school course sequence, the student must complete the course.

Dating Violence, Discrimination, Harassment, and Retaliation (All Grade Levels)

The district believes that all students learn best in an environment free from dating violence, discrimination, harassment, and retaliation and that their welfare is best served when they are free from this prohibited conduct while attending school. Students are expected to treat other

students and district employees with courtesy and respect, to avoid behaviors known to be offensive, and to stop those behaviors when asked or told to stop. District employees are expected to treat students with courtesy and respect.

The board has established policies and procedures to prohibit and promptly respond to inappropriate and offensive behaviors that are based on a person's race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law. A copy of the district's policy is available in the principal's office and in the superintendent's office or on the district's website. [See policy FFH.]

Dating Violence

Dating violence occurs when a person in a current or past dating relationship uses physical, sexual, verbal, or emotional abuse to harm, threaten, intimidate, or control the other person in the relationship. Dating violence also occurs when a person commits these acts against a person in a marriage or dating relationship with the individual who is or was once in a marriage or dating relationship with the person committing the offense. This type of conduct is considered harassment if the conduct is so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of dating violence against a student may include, but are not limited to, physical or sexual assaults; name-calling; put-downs; threats to hurt the student, the student's family members, or members of the student's household; destroying property belonging to the student; threats to commit suicide or homicide if the student ends the relationship; threats to harm a student's current dating partner; attempts to isolate the student from friends and family; stalking; or encouraging others to engage in these behaviors.

Discrimination

Discrimination is defined as any conduct directed at a student on the basis of race, color, religion, sex, gender, national origin, disability, age, or any other basis prohibited by law that negatively affects the student.

Harassment

Harassment, in general terms, is conduct so severe, persistent, or pervasive that it affects the student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; or substantially interferes with the student's academic performance.

Examples of harassment may include, but are not limited to, offensive or derogatory language directed at a person's religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

In addition to dating violence as described above, two other types of prohibited harassment are described below.

Sexual Harassment and Gender-Based Harassment

Sexual harassment and gender-based harassment of a student by an employee, volunteer, or another student are prohibited.

Examples of sexual harassment may include, but not be limited to, touching private body parts or coercing physical contact that is sexual in nature; sexual advances; jokes or conversations of a sexual nature; and other sexually motivated conduct, communications, or contact.

Sexual harassment of a student by an employee or volunteer does not include necessary or permissible physical contact not reasonably construed as sexual in nature, such as comforting a child with a hug or taking the child's hand. However, romantic and other inappropriate social relationships, as well as all sexual relationships, between students and district employees are prohibited, even if consensual.

Gender-based harassment includes harassment based on a student's gender, expression by the student of stereotypical characteristics associated with the student's gender, or the student's failure to conform to stereotypical behavior related to gender.

Examples of gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include, but not be limited to, offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Retaliation

Retaliation against a person who makes a good faith report of discrimination or harassment, including dating violence, is prohibited. Retaliation against a person who is participating in an investigation of alleged discrimination or harassment is also prohibited. A person who makes a false claim or offers false statements or refuses to cooperate with a district investigation, however, may be subject to appropriate discipline.

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Reporting Procedures

Any student who believes that he or she has experienced dating violence, discrimination, harassment, or retaliation should immediately report the problem to a teacher, school counselor, principal, or other district employee. The report may be made by the student's parent. [See policy FFH(LOCAL) and (EXHIBIT) for other appropriate district officials to whom to make a report.]

Upon receiving a report of prohibited conduct as defined by policy FFH, the district will determine whether the allegations, if proven, would constitute prohibited conduct as defined by that policy. If not, the district will refer to policy FFI to determine if the allegations, if proven,

would constitute bullying, as defined by law and that policy. If the alleged prohibited conduct, if proven, would constitute prohibited conduct and would also be considered bullying as defined by law and policy FFI, an investigation of bullying will also be conducted.

The district will promptly notify the parent of any student alleged to have experienced prohibited conduct involving an adult associated with the district. In the event alleged prohibited conduct involves another student, the district will notify the parent of the student alleged to have experienced the prohibited conduct when the allegations, if proven, would constitute a violation as defined by policy FFH.

Investigation of Report

To the extent possible, the district will respect the privacy of the student; however, limited disclosures may be necessary to conduct a thorough investigation and to comply with law. Allegations of prohibited conduct, which includes dating violence, discrimination, harassment, and retaliation, will be promptly investigated.

If a law enforcement or other regulatory agency notifies the district that it is investigating the matter and requests that the district delay its investigation, the district will resume the investigation at the conclusion of the agency's investigation.

During the course of an investigation and when appropriate, the district will take interim action to address the alleged prohibited conduct.

If the district's investigation indicates that prohibited conduct occurred, appropriate disciplinary action, and, in some cases, corrective action, will be taken to address the conduct. The district may take disciplinary and corrective action even if the conduct that is the subject of the complaint was not unlawful.

All involved parties will be notified of the outcome of the district investigation within the parameters and limits allowed under the Family Educational Rights and Privacy Act (FERPA).

A student or parent who is dissatisfied with the outcome of the investigation may appeal in accordance with policy FNG(LOCAL).

Discrimination

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 43.]

Distance Learning

All Grade Levels

Distance learning and correspondence courses include courses that encompass the state-required essential knowledge and skills but are taught through multiple technologies and alternative methodologies such as mail, satellite, internet, video-conferencing, and instructional television.

The distance learning opportunity that the district makes available to district students is Texas Virtual School Network (TXVSN).

If a student wishes to enroll in a correspondence course or a distance learning course that is not provided through the Texas Virtual School Network (TXVSN), as described below, to earn credit in a course or subject, the student must receive permission from the principal prior to enrolling in the course or subject. If the student does not receive prior approval, the district may not recognize and apply the course or subject toward graduation requirements or subject mastery.

Texas Virtual School Network (TXVSN) ***(Secondary Grade Levels)***

The Texas Virtual School Network (TXVSN) has been established by the state as one method of distance learning. A student has the option, with certain limitations, to enroll in a course offered through the TXVSN to earn course credit for graduation.

Depending on the TXVSN course in which a student enrolls, the course may be subject to the “no pass, no play” rules. [See **Extracurricular Activities, Clubs, and Organizations** on page 53.] In addition, for a student who enrolls in a TXVSN course for which an end-of-course (EOC) assessment is required, the student must still take the corresponding EOC assessment.

If you have questions or wish to make a request that your child be enrolled in a TXVSN course, please contact the school counselor. Unless an exception is made by the superintendent or his designee, a student will not be allowed to enroll in a TXVSN course if the school offers the same or a similar course.

A copy of policy EHDE will be distributed to parents of middle and high school students at least once each year. If you do not receive a copy or have questions about this policy, please contact Dustin Binnicker, Executive Director of Curriculum and Instruction.

Distribution of Literature, Published Materials, or Other Documents **(All Grade Levels)**

School Materials

Publications prepared by and for the school may be posted or distributed, with the prior approval of the principal, sponsor, or teacher. Such items may include school posters, brochures, flyers, etc.

The school newspaper, secondary campuses only, and the yearbook, are available to students.

All school publications are under the supervision of a teacher, sponsor, and the principal.

Non-school Materials

From Students

Students must obtain prior approval from the director of public relations before selling, posting, circulating, or distributing any written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials that were not developed under the oversight of the school. To be considered, any non-school material must include the name of the sponsoring person or organization. The decision regarding approval will be made within two school days.

The campus principal has designated a location for approved non-school materials to be placed for voluntary viewing or collection by students. [See policy FNAA.]

A student may appeal a decision in accordance with policy FNG(LOCAL). Any student who sells, posts, circulates, or distributes non-school material without prior approval will be subject to disciplinary action in accordance with the Student Code of Conduct. Materials displayed without approval will be removed.

[See FNG(LOCAL) for student complaint procedures.]

From Others

Written or printed materials, handbills, photographs, pictures, films, tapes, or other visual or auditory materials not sponsored by the district or by a district-affiliated school-support organization will not be sold, circulated, distributed, or posted on any district premises by any district employee or by persons or groups not associated with the district, except as permitted by policy GKDA. To be considered for distribution, any non-school material must meet the limitations on content established in the policy, include the name of the sponsoring person or organization, and be submitted to the director of public relations for prior review. The director of public relations will approve or reject the materials within two school days of the time the materials are received. The requestor may appeal a rejection in accordance with the appropriate district complaint policy. [See policies at DGBA or GF.]

The campus principal has designated a location for approved non-school materials to be placed for voluntary viewing or collection. Refer to campus addendum for acceptable locations for approved materials to be viewed.

Prior review will not be required for:

- Distribution of materials by an attendee to other attendees of a school-sponsored meeting intended for adults and held after school hours.
- Distribution of materials by an attendee to other attendees of a community group meeting held after school hours in accordance with policy GKD(LOCAL) or a noncurricular-related student group meeting held in accordance with FNAB(LOCAL).
- Distribution for electioneering purposes during the time a school facility is being used as a polling place, in accordance with state law.

All non-school materials distributed under these circumstances must be removed from district property immediately following the event at which the materials are distributed.

Additional inquiries related to material distribution can be directed to Jenny Bridges, Director of Public Relations, at 972-923-4631.

Dress and Grooming (All Grade Levels)

The Waxahachie Independent School District is committed to providing an excellent educational opportunity for each student in the district. Efforts are made to ensure the highest standards of performance for all Waxahachie ISD students and to promote a safe and secure

environment. The District's dress code is used to promote grooming and hygiene, instill discipline, prevent disruption, help avoid safety hazards, and teach respect for authority. In addition, dress and grooming standards shall promote community values and good citizenship, enhance a safe orderly educational environment, and not infringe on any individual's religious beliefs or protected free speech.

The desire of the district is to present changes in a positive format; however, the most effective manner in which to explain the changes is to list the prohibited dress and/or grooming practices. Even though the Dress Code is restrictive, students continue to have a wide variety of choices. The cooperation of parents and students and the consistent and fair enforcement of this policy by teachers and administrators are essential to the effectiveness of the Code. The campus principal has the final decision as to what constitutes appropriate school attire, including exceptions to the Code made for district and campus spirit days. Administrators shall have the discretion to determine the appropriateness of attire and grooming for religious and/or medical necessities.

The Following Modes of Dress or Grooming Are Prohibited:
General

- Any aspect of a student's appearance, attire or accessories that is likely to distract or disrupt the learning environment, including images or messages that are illegal, inappropriate, lewd, vulgar, sexually suggestive, containing profanity, or promoting violation of school rules (i.e., promoting drugs, tobacco use, alcohol, violence, gangs, death, sex, profanity, or hate
- Exposed skin or undergarments visible above mid-thigh.
- See-through clothing (e.g. thin or mesh) unless worn over appropriate garments.

Shirts, Tops, and Blouses

- Sleeveless shirts or blouses that are not hemmed.
- Spaghetti straps, halter tops, basketball jerseys, tank tops, tube tops, unbuttoned shirts and blouses, and overalls (unless worn over appropriate garments), and strapless tops.
- Exposed midriff or cleavage.
- Backless tops.

Dresses, Skirts, Shorts, and Pants

- Dresses, shorts, skirts, or slits in skirts shorter than mid-thigh and strapless dresses.
- Pants, shorts, and skirts worn below the waist (i.e., "sagging" garments). Students may be required to use an accessory, provided by campus, to ensure that pants are worn at normal waist level.
- Underwear as outerwear or exposed underwear or nightwear.
- Fitted bottoms such as: leggings, leotards, and yoga pants, or worn with only a top, sweater, or dress that is shorter than mid-thigh length.

- Athletic shorts that are mid-thigh length but are hemmed with a rise on the side of the leg that is above mid-thigh length. (This style of short may be worn with slider style shorts or tights underneath that are at least mid-thigh length.)
- Bicycle type shorts or slider shorts

Outerwear (Coats, Jackets, Coveralls, Etc.)

- Trench coats or dusters.
- One-piece jump suits.

Accessories

- Piercings: tongue rings, lip rings, eyebrow rings, ear gauges, spacers, facial jewelry such as hoops or rings, visible body piercings or facial decorations. Students may, however, wear one small nose stud or one small nostril ring (not to be worn in the septum – cartilage that separates the two nostrils).
- Chains on clothing or wallets.
- Heavy or spiked jewelry (e.g., dog collars, spiked bracelets or belts, etc.).
- Visible tattoos deemed disruptive or inappropriate (must be covered at all times).
- Headwear: Hats, caps, bandannas, sweatbands or other head coverings. Garments with hoods may not be worn with the hood over the head inside the perimeter of the building during the school day.

Footwear

- Soft-bottom house shoes, bare feet, shoes with metal cleats, or shoes with wheels.

Grooming

- Sunglasses (except with a signed note from the school nurse).
- Hairstyles that are disruptive (e.g., natural Mohawks not to exceed 2" in height when spiked, designs which display inappropriate symbols or messages, etc.)
- Non-natural colored hair or extensions (e.g., green, blue, purple, orange or multicolored)

Exemptions

Parents or guardians seeking an exemption from the Dress Code for their student must complete a Waxahachie ISD Dress Code Exemption Request Form. This form is available upon request by mail, in person in the main office, or online at <https://4.files.edl.io/1e49/08/23/18/142321-636fa0b5-a4ae-477a-bded-a129bef12ceb.pdf>. The form is also available on the Waxahachie ISD website. The form must be completed in full and returned to the campus principal. The parent or guardian will be asked to discuss with the campus principal the reasons and goal of the policy and the nature of the objections to the Dress Code. This meeting shall be held within ten days after receipt of the form. Based on the information provided in the Exemption Request Form and the interview with the parent, the campus principal will make a determination as to whether the exemption is granted. This decision shall be provided to the student or parent within ten days following the conference. Parents with more than one student enrolled in the district must fill out a separate Waxahachie ISD Dress Code Exemption Request Form for each student.

Any appeal of the campus principal's decision will be treated as a student/parent or guardian complaint under Waxahachie ISD Board Policy FNG(LOCAL).

Unless otherwise approved by the campus principal, the student must continue to comply with the Waxahachie ISD Dress Code pending the outcome of the Exemption Meeting.

Electronic Devices and Technology Resources (All Grade Levels)

Possession and Use of Personal Telecommunications Devices, Including Mobile Telephones

For safety purposes, the district permits students to possess personal mobile telephones; however, these devices must remain turned off during the instructional day, including during all testing, unless they are being used for approved instructional purposes. A student must have approval to possess other telecommunications devices such as netbooks, laptops, tablets, or other portable computers.

The use of mobile telephones or any device capable of capturing images is strictly prohibited in locker rooms or restroom areas while at school or at a school-related or school-sponsored event.

If a student uses a telecommunications device without authorization during the school day, the device will be confiscated. The student/parent may pick up the confiscated telecommunications device before or after school from a school administrator.

Confiscated telecommunications devices that are not retrieved by the student or the student's parent will be disposed of after the notice required by law. [See policy FNCE.]

In limited circumstances and in accordance with law, a student's personal telecommunications device may be searched by authorized personnel. [See **Searches** on page 84 and policy FNF.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for damaged, lost, or stolen telecommunications devices.

Possession and Use of Other Personal Electronic Devices

Except as described below, students are not permitted to possess or use personal electronic devices such as MP3 players, video or audio recorders, DVD players, cameras, games, e-readers, or other electronic devices at school, unless prior permission has been obtained. Without such permission, teachers will collect the items and turn them in to the principal's office. The principal will determine whether to return items to students at the end of the day or to contact parents to pick up the items.

In limited circumstances and in accordance with law, a student's personal electronic device may be searched by authorized personnel. [See **Searches** on page 84 and policy FNF.]

Any disciplinary action will be in accordance with the Student Code of Conduct. The district is not responsible for any damaged, lost, or stolen electronic device.

Instructional Use of Personal Telecommunications and Other Electronic Devices

In some cases, students may find it beneficial or might be encouraged to use personal telecommunications or other personal electronic devices for instructional purposes while on campus. Students must obtain prior approval before using personal telecommunications or other personal electronic devices for instructional use. Students must also sign a user agreement that contains applicable rules for use (separate from this handbook). When students are not using the devices for approved instructional purposes, all devices must be turned off during the instructional day. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

Acceptable Use of District Technology Resources

District-owned technology resources for instructional purposes may be issued to individual students. Use of these technological resources, which include the district's network systems and use of district equipment, is restricted to approved purposes only. Students and parents will be asked to sign a user agreement (separate from this handbook) regarding use of these district resources. Violations of the user agreement may result in withdrawal of privileges and other disciplinary action.

Unacceptable and Inappropriate Use of Technology Resources

Students are prohibited from possessing, sending, forwarding, posting, accessing, or displaying electronic messages that are abusive, obscene, sexually oriented, threatening, harassing, damaging to another's reputation, or illegal. This prohibition also applies to conduct off school property, whether the equipment used to send such messages is district-owned or personally owned, if it results in a substantial disruption to the educational environment.

Any person taking, disseminating, transferring, possessing, or sharing obscene, sexually oriented, lewd, or otherwise illegal images or other content, commonly referred to as "sexting," will be disciplined in accordance with the Student Code of Conduct, may be required to complete an educational program related to the dangers of this type of behavior, and, in certain circumstances, may be reported to law enforcement. Because engaging in this type of behavior can lead to bullying or harassment, as well as possibly impede future endeavors of a student, we encourage you to review with your child ["Before You Text" Sexting Prevention Course](#), a state-developed program that addresses the consequences of engaging in inappropriate behavior using technology.

In addition, any student who engages in conduct that results in a breach of the district's computer security will be disciplined in accordance with the Student Code of Conduct, and, in some cases, the consequence may rise to the level of expulsion.

End-of-Course (EOC) Assessments

[See **Graduation** on page 57 and **Standardized Testing** on page 86.]

Energy Drink Consumption and Possession

Students are prohibited from consuming, or possessing Energy Drinks at a school-related or school-sanctioned activity on or off school property. Energy drinks are defined as liquids containing a high degree of caffeine or other stimulants.

District personnel will enforce the policies on school property.

English Learners (All Grade Levels)

A student who is an English learner is entitled to receive specialized services from the district. To determine whether the student qualifies for services, a Language Proficiency Assessment Committee (LPAC) will be formed, which will consist of both district personnel and at least one parent representative. The student's parent must consent to any services recommended by the LPAC for an English learner. However, pending the receipt of parental consent or denial of services, an eligible student will receive the services to which the student is entitled and eligible.

To determine a student's level of proficiency in English, the LPAC will use information from a variety of assessments. If the student qualifies for services, and once a level of proficiency has been established, the LPAC will then designate instructional accommodations or additional special programs that the student will require to eventually become proficient at grade level work in English. Ongoing assessments will be conducted to determine a student's continued eligibility for the program.

The LPAC will also determine whether certain accommodations are necessary for any state-mandated assessments. The STAAR Spanish, as mentioned at **Standardized Testing** on page 86, may be administered to an English learner for a student up to grade 5. In limited circumstances, a student's LPAC may exempt the student from an otherwise required state-mandated assessment or may waive certain graduation requirements related to the English I end-of-course (EOC) assessment. The Texas English Language Proficiency Assessment System (TELPAS) will also be administered to English learners who qualify for services.

If a student is considered an English learner and receives special education services because of a qualifying disability, the student's ARD committee will make instructional and assessment decisions in conjunction with the LPAC.

Extracurricular Activities, Clubs, and Organizations (All Grade Levels)

Participation in school-sponsored activities is an excellent way for a student to develop talents, receive individual recognition, and build strong friendships with other students; participation, however, is a privilege, not a right.

Participation in some of these activities may result in events that occur off-campus. When the district arranges transportation for these events, students are required to use the transportation provided by the district to and from the events. Exceptions to this may only be made with the approval of the activity's coach or sponsor. [See **Transportation** on page 90.]

Eligibility for initial and continuing participation in many of these activities is governed by state law and the rules of the University Interscholastic League (UIL)—a statewide association overseeing interdistrict competition. If a student is involved in an academic, athletic, or music activity governed by UIL, the student and parent are expected to know and follow all rules of the UIL organization. Students involved in UIL athletic activities and their parents can access the UIL Parent Information Manual at [UIL Parent Information Manual](#); a hard copy can be provided by the coach or sponsor of the activity on request. To report a complaint of alleged noncompliance with required safety training or an alleged violation of safety rules required by law and the UIL, please contact the curriculum division of TEA at (512) 463-9581 or curriculum@tea.texas.gov.

Student safety in extracurricular activities is a priority of the district. Parents are entitled to review the district's records regarding the age of each football helmet used by campuses, including when a helmet has been reconditioned. For further information, please call the Athletic director, Greg Reed at 972-923-4606.

[See [UIL Texas](#) for additional information on all UIL-governed activities.]
In addition, the following provisions apply to all extracurricular activities:

- A student who receives at the end of a grading period a grade below 70 in any academic class—other than an Advanced Placement (AP) or International Baccalaureate (IB) course; or an honors or dual credit course in English language arts, mathematics, science, social studies, economics, or languages other than English—may not participate in extracurricular activities for at least three school weeks.
- A student who receives special education services and who fails to meet the standards in the individualized education program (IEP) may not participate for at least three school weeks.
- An ineligible student may practice or rehearse but may not participate in any competitive activity.
- A student is allowed in a school year up to 13 absences not related to post-district competition. For post-district and state competition, a student shall be allowed the number of absences required to participate in the competition.
- An absence for participation in an activity that has not been approved will receive an unexcused absence.

Standards of Behavior

Sponsors of student clubs and performing groups such as the band, choir, and drill and athletic teams may establish standards of behavior—including consequences for misbehavior—that are stricter than those for students in general. If a violation is also a violation of school rules, the consequences specified by the Student Code of Conduct or by board policy will apply in addition to any consequences specified by the organization's standards of behavior.

Offices and Elections

Certain clubs, organizations, and performing groups will hold elections for student officers. These groups include: *(please refer to your campus addendum for more information on clubs, organizations and performing groups)*

Fees (All Grade Levels)

Materials that are part of the basic educational program are provided with state and local funds at no charge to a student. A student, however, is expected to provide his or her own pencils, paper, erasers, and notebooks and may be required to pay certain other fees or deposits, including:

- Costs for materials for a class project that the student will keep.
- Membership dues in voluntary clubs or student organizations and admission fees to extracurricular activities.
- Security deposits.
- Personal physical education and athletic equipment and apparel.
- Voluntarily purchased pictures, publications, class rings, yearbooks, graduation announcements, etc.
- Voluntarily purchased student health and accident insurance.
- Musical instrument rental and uniform maintenance, when uniforms are provided by the district.
- Personal apparel used in extracurricular activities that becomes the property of the student.
- Parking fees and student identification cards.
- Fees for lost, damaged, or overdue library books.
- Fees for driver training courses, if offered.
- Fees for optional courses offered for credit that require use of facilities not available on district premises.
- Summer school for courses that are offered tuition-free during the regular school year.
 - A reasonable fee for providing transportation to a student who lives within two miles of the school. [See **Buses and Other School Vehicles** on page 90.]
 - A fee not to exceed \$50 for costs of providing an educational program outside of regular school hours for a student who has lost credit or has not been awarded a final grade because of absences and whose parent chooses the program for the student to meet the 90 percent attendance requirement. The fee will be charged only if the parent or guardian signs a district-provided request form.
 - In some cases, a fee for a course taken through the Texas Virtual School Network (TXVSN).

Any required fee or deposit may be waived if the student and parent are unable to pay. Application for such a waiver may be made to the campus principal. [For further information, see policy FP.]

Fundraising (All Grade Levels)

Student groups or classes and/or parent groups may be permitted to conduct fundraising drives for approved school purposes in accordance with administrative regulations. [For further information, see policies FJ and GE.]

Gang-Free Zones (All Grade Levels)

Certain criminal offenses, including those involving organized criminal activity such as gang-related crimes, will be enhanced to the next highest category of offense if they are committed in a gang-free zone. For purposes of the district, a gang-free zone includes a school bus and a location in, on, or within 1,000 feet of any district-owned or leased property or campus playground.

Gender-Based Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 43.]

Grade-Level Classification (Grades 9–12 Only)

After the ninth grade, students are classified according to the number of credits earned toward graduation.

Credits Earned	Classification
6.5	Grade 10 (Sophomore)
13	Grade 11 (Junior)
19.5	Grade 12 (Senior)

Grading Guidelines (All Grade Levels)

Grading guidelines for each grade level or course will be communicated and distributed to students and their parents by the classroom teacher. These guidelines have been reviewed by each applicable curriculum department and have been approved by the campus principal. These guidelines establish the minimum number of assignments, projects, and examinations required for each grading period. In addition, these guidelines establish how the student's mastery of concepts and achievement will be communicated (i.e., letter grades, numerical averages, checklist of required skills, etc.). Grading guidelines also outline in what circumstances a student will be allowed to redo an assignment or retake an examination for which the student originally made a failing grade. Procedures for a student to follow after an absence will also be addressed.

[See **Report Cards/Progress Reports and Conferences** on page 79 for additional information on grading guidelines.]

Graduation (Secondary Grade Levels Only)

Requirements for a Diploma

A student must meet the following requirements to receive a high school diploma from the district:

- Complete the required number of credits established by the state and any additional credits required by the district;
- Complete any locally required courses in addition to the courses mandated by the state;
- Achieve passing scores on certain end-of-course (EOC) assessments or approved substitute assessments, unless specifically waived as permitted by state law; and
- Demonstrate proficiency, as determined by the district, in the specific communication skills required by the State Board of Education(SBOE).

Testing Requirements for Graduation

Students are required, with limited exceptions and regardless of graduation program, to perform satisfactorily on the following EOC assessments: English I, English II, Algebra I, Biology, and U.S. History. A student who has not achieved sufficient scores on the EOC assessments to graduate will have opportunities to retake the assessments. State law and state rules also provide for certain scores on norm-referenced national standardized assessments or on the state-developed assessment used for entrance into Texas public universities to substitute for the requirement to meet satisfactory performance on an applicable EOC assessment, should a student choose this option. [See the school counselor for more information on the state testing requirements for graduation.]

If a student fails to perform satisfactorily on an EOC assessment, the district will provide remediation to the student in the content area for which the performance standard was not met. This may require participation of the student before or after normal school hours or at times of the year outside normal school operations.

In limited circumstances, a student who fails to demonstrate proficiency on two or fewer of the required assessments may still be eligible to graduate if an individual graduation committee, formed in accordance with state law, unanimously determines that the student is eligible to graduate.

[See **Standardized Testing** on page 86 for more information.]

Foundation Graduation Program

Every student in a Texas public school who entered grade 9 in the 2021-2022 school year and thereafter will graduate under the “foundation graduation program.” Within the foundation graduation program are “endorsements,” which are paths of interest that include Science, Technology, Engineering, and Mathematics (STEM); Business and Industry; Public Services; Arts

and Humanities; and Multidisciplinary Studies. Endorsements earned by a student will be noted on the student's transcript. The foundation graduation program also involves the term "distinguished level of achievement," which reflects the completion of at least one endorsement and Algebra II as one of the required advanced mathematics credits. A **Personal Graduation Plan** will be completed for each high school student, as described on page 59.

State law and rules prohibit a student from graduating solely under the foundation graduation program without an endorsement unless, after the student's sophomore year, the student and student's parent are advised of the specific benefits of graduating with an endorsement and submit written permission to the school counselor for the student to graduate without an endorsement. A student who anticipates graduating under the foundation graduation program without an endorsement and who wishes to attend a four-year university or college after graduation must carefully consider whether this will satisfy the admission requirements of the student's desired college or university.

Graduating under the foundation graduation program will also provide opportunities to earn "performance acknowledgments" that will be acknowledged on a student's transcript. Performance acknowledgments are available for outstanding performance in bilingualism and biliteracy, in a dual credit course, on an AP or IB examination, on certain national college preparatory and readiness or college entrance examinations, or for earning a state recognized or nationally or internationally recognized license or certificate. The criteria for earning these performance acknowledgments are prescribed by state rules, and the school counselor can provide more information about these acknowledgments.

Credits Required

The foundation graduation program requires completion of the following credits:

Course Area	Number of Credits: Foundation Graduation Program	Number of Credits: Foundation Graduation Program with an Endorsement
English/Language Arts	4	4
Mathematics	3	4
Science	3	4
Social Studies, including Economics	3	3
Physical Education	1	1
Languages other than English	2	2
Fine Arts	1	1
Electives	5	7
Total	22 credits	26 credits

Additional considerations apply in some course areas, including:

- **Mathematics.** To obtain the distinguished level of achievement under the foundation graduation program, which will be included on a student's transcript and is a requirement to be considered for automatic admission to a Texas four-year college or university, a student must complete an endorsement and take Algebra II as one of the 4 mathematics credits.
- **Physical education.** A student who is unable to participate in physical activity due to a disability or illness may be able to substitute a course in English language arts, mathematics, science, social studies, or another locally determined credit-bearing course for the required credit of physical education. This determination will be made by the student's ARD committee, Section 504 committee, or other campus committee, as applicable.
- **Languages other than English.** Students are required to earn 2 credits in the same language other than English to graduate. Any student may substitute computer programming languages for these credits. A student may satisfy one of the two required credits by successfully completing a dual language immersion program in elementary school. In limited circumstances, a student may be able to substitute this requirement with other courses, as determined by a district committee authorized by law to make these decisions for the student.

Available Endorsements

A student must specify upon entering grade 9 which endorsement he or she wishes to pursue:

- Science, technology, engineering, and mathematics (STEM),
- Business and industry,
- Public services,
- Arts and humanities, or
- Multidisciplinary studies.

Personal Graduation Plans

A personal graduation plan will be developed for each high school student. The district encourages all students to pursue a personal graduation plan that includes the completion of at least one endorsement and to graduate with the distinguished level of achievement.

Attainment of the distinguished level of achievement entitles a student to be considered for automatic admission to a public four-year college or university in Texas, depending on his or her rank in class. The school will review personal graduation plan options with each student entering grade 9 and his or her parent. Before the end of grade 9, a student and his or her parent will be required to sign off on a personal graduation plan that includes a course of study that promotes college and workforce readiness and career placement and advancement, as well as facilitates the transition from secondary to postsecondary education. The student's personal graduation plan will denote an appropriate course sequence based on the student's choice of endorsement.

Please review [TEA's Graduation Toolkit](#).

A student may amend his or her personal graduation plan after this initial confirmation. The school will send written notice of any such amendment made by the student to the student's parent.

Available Course Options for All Graduation Programs

Information regarding specific courses required or offered in each curriculum area will be distributed to students each spring to enroll in courses for the upcoming school year.

Note: The district may require the completion of certain courses for graduation even if these courses are not required by the state for graduation.

Please be aware that not all courses are offered at every secondary campus in the district. A student who wants to take a course not offered at his or her regular campus should contact the school counselor about a transfer or other alternatives. If the parents of at least 22 students request a transfer for those students to take a course in the required curriculum other than fine arts or career and technical education (CTE), the district will offer the course for the following year either by teleconference or at the school from which the transfers were requested.

Certificates of Coursework Completion

A certificate of coursework completion will not be issued to a student who has successfully completed state and local credit requirements for graduation but has not yet demonstrated satisfactory performance on the state-mandated tests required for graduation.

Students with Disabilities

Upon the recommendation of the admission, review, and dismissal (ARD) committee, a student with a disability who receives special education services may be permitted to graduate under the provisions of his or her individualized education program (IEP) and in accordance with state rules.

A student who receives special education services and has completed four years of high school but has not met the requirements of his or her IEP may participate in graduation ceremonies and receive a certificate of attendance. Even if the student participates in graduation ceremonies to receive the certificate of attendance, he or she may remain enrolled to complete the IEP and earn his or her high school diploma; however, the student will only be allowed to participate in one graduation ceremony.

[See policy FMH(LEGAL).]

ARD committees for students with disabilities who receive special education services will make instructional and assessment decisions for these students in accordance with state law and rules. To earn an endorsement under the foundation program, a student must perform satisfactorily on the end of course (EOC) assessments and receive no modified curriculum in the student's chosen endorsement area. A student may still be awarded an endorsement when the student fails to perform satisfactorily on no more than two EOC assessments but meets the other requirements for graduation under state law.

Graduation Activities

Graduation activities will include:

- Baccalaureate
- Graduation Ceremony
- Project Graduation

Recognition of staff, individual students and student groups during graduation ceremonies vary by high schools. Please contact the campus administration for more information related to this topic.

Students who are eligible to graduate but are assigned to a disciplinary alternative education program at the end of the school year will not be allowed to participate in the graduation ceremony and related graduation activities.

Graduation Speakers

Certain graduating students will be given an opportunity to have speaking roles at graduation ceremonies.

A student must meet local eligibility criteria, which may include requirements related to student conduct, to have a speaking role. Students eligible for speaking roles will be notified by the principal and given an opportunity to volunteer.

[See FNA(LOCAL) and the Student Code of Conduct. For student speakers at other school events, see **Student Speakers** on page 89.]

Graduation Expenses

Because students and parents will incur expenses to participate in the traditions of graduation—such as the purchase of invitations, senior ring, cap and gown, and senior picture—both the student and parent should monitor progress toward completion of all requirements for graduation. The expenses often are incurred in the junior year or first semester of the senior year. [See **Fees** on page 55.]

Scholarships and Grants

Students who have a financial need according to federal criteria and who complete the foundation graduation program, may be eligible under the TEXAS Grant Program and the Teach for Texas Grant Program for tuition and fees to Texas public universities, community colleges, and technical schools, as well as to private institutions.

Contact the post-secondary advisors or the school counselor for information about other scholarships and grants available to students. More information can be found at the following locations:

- Waxahachie Global High School website: [College and Career Center](#)
- Waxahachie High School website: [College and Career Center](#)

Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 43.]

Hazing (All Grade Levels)

Hazing is defined as any intentional, knowing, or reckless act occurring on or off campus directed against a student that endangers the mental or physical health or the safety of a student for the purpose of pledging, being initiated to, affiliating with, holding office in, or maintaining membership in any organization whose members are or include other students. Examples include:

- Any type of physical brutality;
- Any type of physical activity that subjects the student to an unreasonable risk of physical or mental harm, such as sleep deprivation, exposure to the elements, confinement to small spaces, or calisthenics;
- Any activity involving consumption of food, liquids, drugs, or other substances that subjects the student to unreasonable risk of physical or mental harm;
- Any activity that adversely affects the mental health or dignity of the student, such as ostracism, shame, or humiliation; and
- Any activity that induces, causes, or requires the student to violate the Penal Code.

Hazing will not be tolerated by the district. If an incident of hazing occurs, disciplinary consequences will be handled in accordance with the Student Code of Conduct. It is a criminal offense if a person engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in hazing; or has firsthand knowledge of an incident of hazing being planned or having occurred and fails to report this to the principal or superintendent.

[See **Bullying** on page 32 and policies FFI and FNCC.]

Health-Related Matters

Student Illness (All Grade Levels)

It is important to remember that schools are required to exclude students with certain illnesses from school for periods of time as identified in state rules. For example, if your child has a fever over 100 degrees, he or she must stay out of school until fever-free for 24 hours without fever-reducing medications. In addition, students with diarrheal illnesses must stay home until they are diarrhea-free without diarrhea-suppressing medications for at least 24 hours. A full list of conditions for which the school must exclude children can be obtained from the school nurse.

If a student becomes ill during the school day, he or she must receive permission from the teacher before reporting to the school nurse. If the nurse determines that the child should go home, the nurse will contact the parent.

The district is also required to report certain contagious (communicable) diseases or illnesses to the Texas Department of State Health Services (TDSHS) or our local/regional health authority. The school nurse can provide information from TDSHS on these notifiable conditions.

Contact the school nurse if you have questions or if you are concerned about whether or not your child should stay home. You may also refer to the **Waxahachie School Health Advisory Council's Health Conditions Handbook** at

https://www.wisd.org/apps/pages/index.jsp?uREC_ID=1082717&type=d&pREC_ID=1370606.

Bacterial Meningitis (All Grade Levels)

State law requires the district to provide information about bacterial meningitis:

What is meningitis?

Meningitis is an inflammation of the covering of the brain and spinal cord. It can be caused by viruses, parasites, fungi, and bacteria. Viral meningitis is common, and most people recover fully. Parasitic and fungal meningitis are very rare. Bacterial meningitis is very serious and may involve complicated medical, surgical, pharmaceutical, and life support management.

What are the symptoms?

Someone with meningitis will become very ill. The illness may develop over one or two days, but it can also rapidly progress in a matter of hours. Not everyone with meningitis will have the same symptoms.

Children (over 2 years old) and adults with bacterial meningitis commonly have a severe headache, high fever, and neck stiffness. Other symptoms might include nausea, vomiting, discomfort looking into bright lights, confusion, and sleepiness. In both children and adults, there may be a rash of tiny, red-purple spots. These can occur anywhere on the body.

The diagnosis of bacterial meningitis is based on a combination of symptoms and laboratory results.

How serious is bacterial meningitis?

If it is diagnosed early and treated promptly, the majority of people make a complete recovery. In some cases, it can be fatal, or a person may be left with a permanent disability.

How is bacterial meningitis spread?

Fortunately, none of the bacteria that cause meningitis is as contagious as diseases like the common cold or the flu, and they are not spread by casual contact or by simply breathing the air where a person with meningitis has been. They are spread when people exchange respiratory or throat secretions (such as by kissing, coughing, or sneezing).

The germ does not cause meningitis in most people. Instead, most people become carriers of the germ for days, weeks, or even months. The bacteria rarely overcome the body's immune system and cause meningitis or another serious illness.

How can bacterial meningitis be prevented?

Maintaining healthy habits, like getting plenty of rest, can help prevent infection. Using good health practices such as covering your mouth and nose when coughing and sneezing and washing your hands frequently with soap and water can also help stop the spread of the

bacteria. It's a good idea not to share food, drinks, utensils, toothbrushes, or cigarettes. Limit the number of persons you kiss.

There are vaccines available to offer protection from some of the bacteria that can cause bacterial meningitis. The vaccines are safe and effective (85–90 percent). They can cause mild side effects, such as redness and pain at the injection site lasting up to two days. Immunity develops within seven to ten days after the vaccine is given and lasts for up to five years.

What should you do if you think you or a friend might have bacterial meningitis?

You should seek prompt medical attention.

Where can you get more information?

Your school nurse, family doctor, and the staff at your local or regional health department office are excellent sources for information on all communicable diseases. You may also call your local health department or Regional Department of State Health Services office to ask about a meningococcal vaccine. Additional information may also be found at the websites for the [Centers for Disease Control and Prevention \(CDC\)](#), particularly the CDC's information on [bacterial meningitis](#), and the [Texas Department of State Health Services](#).

Note: DSHS requires at least one meningococcal vaccination on or after the student's 11th birthday, unless the student received the vaccine at age 10. Also note that entering college students must show, with limited exception, evidence of receiving a bacterial meningitis vaccination within the five-year period prior to enrolling in and taking courses at an institution of higher education. Please see the school nurse for more information, as this may affect a student who wishes to enroll in a dual credit course taken off campus.

[See **Immunization** on page 68 for more information.]

Food Allergies (All Grade Levels)

The district requests to be notified when a student has been diagnosed with a food allergy, especially those allergies that could result in dangerous or possibly life-threatening reactions either by inhalation, ingestion, or skin contact with the particular food. It is important to disclose the food to which the student is allergic, as well as the nature of the allergic reaction. Please contact the school nurse or campus principal if your child has a known food allergy or as soon as possible after any diagnosis of a food allergy.

The district has developed and annually reviews a food allergy management plan, which addresses employee training, dealing with common food allergens, and specific strategies for dealing with students diagnosed with severe food allergies. When the district receives information that a student has a food allergy that puts the student at risk for anaphylaxis, individual care plans will be developed to assist the student in safely accessing the school environment.

[See policy FFAF and **Celebrations** on page 34.]

Head Lice (All Grade Levels)

Head lice, although not an illness or a disease, is very common among children and is spread very easily through head-to-head contact during play, sports, or nap time, and when children share things like brushes, combs, hats, and headphones. If careful observation indicates that a student has head lice, the school nurse will contact the student's parent to determine whether the student will need to be picked up from school and to discuss a plan for treatment with an FDA-approved medicated shampoo or cream rinse that may be purchased from any drug or grocery store. After the student has undergone one treatment, the parent should check in with the school nurse to discuss the treatment used. The nurse can also offer additional recommendations, including subsequent treatments and how best to get rid of lice and prevent their return.

Notice will also be provided to parents of elementary school students in the affected classroom.

More information on head lice can be obtained from the DSHS website [Managing Head Lice](#).

[See policy FFAA.]

Physical Activity Requirements

Elementary School

In accordance with policies at EHAB, EHAC, EHBG, and FFA, the district will ensure that students in full-day prekindergarten–grade 5 engage in moderate or vigorous physical activity for at least 30 minutes per day or 135 minutes per week.

For additional information on the district's requirements and programs regarding elementary school student physical activity requirements, please see the principal.

Junior High / Middle School

In accordance with policies at EHAB, EHAC, EHBG, and FFA, the district will ensure that students in middle or junior high school will engage in 30 minutes of moderate or vigorous physical activity per day for at least four semesters OR at least 225 minutes of moderate or vigorous physical activity within each two-week period for at least four semesters.

For additional information on the district's requirements and programs regarding junior high and middle school student physical activity requirements, please see the principal.

Temporary Restriction from Participation in Physical Education

Students who are temporarily restricted from participation in physical education will remain in the class and shall continue to learn the concepts of the lessons but not actively participate in the skill demonstration.

School Health Advisory Council (SHAC) (All Grade Levels)

During the preceding school year, the district's School Health Advisory Council (SHAC) held four meetings. Additional information regarding the district's SHAC is available on the WISD website at https://www.wisd.org/apps/pages/index.jsp?uREC_ID=1082717&type=d&pREC_ID=1370580.

The duties of the SHAC range from recommending curriculum to developing strategies for integrating curriculum into a coordinated school health program encompassing issues such as school health services, counseling services, a safe and healthy school environment, recess recommendations, improving student fitness, mental health concerns, and employee wellness.

[See policies at BDF and EHAA. See **Human Sexuality Instruction** on page 12 for additional information.]

Student Wellness Policy / Wellness Plan (All Grade Levels)

Waxahachie ISD is committed to encouraging healthy students and therefore has developed a board-adopted wellness policy at FFA(LOCAL) and corresponding plans and procedures to implement the policy. You are encouraged to contact Ginger Robinson, SHAC Coordinator with questions about the content or implementation of the district's wellness policy and plan.

Other Health-Related Matters Physical Fitness Assessment (Grades 3–12)

Annually, the district will conduct a physical fitness assessment of students in grades 3–12 who are enrolled in a physical education course or a course for which physical education credit is awarded. At the end of the school year, a parent may submit a written request to the campus principal to obtain the results of his or her child's physical fitness assessment conducted during the school year.

Physical and Mental Health Resources (All Grade Levels)

Parents and students in need of assistance with physical and mental health concerns may contact the following campus and community resources: campus nurses and school counselors.

Policies and Procedures that Promote Student Physical and Mental Health (All Grade Levels)

The district has adopted board policies that promote student physical and mental health. (LOCAL) policies on the topics below can be found in the district's policy manual, available at www.wisd.org

- Food and nutrition management: CO, COA, COB
- Wellness and Health Services: FFA
- Immunizations: FFAB
- Physical examinations: FFAA
- Medical Treatment: FFAC
- Communicable Diseases: FFAD
- School-Based Health Centers: FFAE
- Care Plans: FFAF
- Crisis Intervention: FFB
- Trauma-Informed Care: FFBA
- Student Support Services: FFC
- Student Safety: FFF
- Child Abuse and Neglect: FFG
- Freedom from Discrimination, Harassment, and Retaliation: FFH
- Freedom from Bullying: FFI

In addition, the District Improvement Plan details the district's strategies to improve student performance through evidence-based practices that address physical and mental health. The district has developed administrative procedures as necessary to implement the above policies and plans.

Vending Machines (All Grade Levels)

The district has adopted and implemented the state and federal policies and guidelines for food service, including the guidelines to restrict student access to vending machines. For more information regarding these policies and guidelines, contact the Director of Child Nutrition. [See policies at CO and FFA.]

Tobacco and E-Cigarettes Prohibited (All Grade Levels and All Others on School Property)

Students are prohibited from possessing or using any type of tobacco product, electronic cigarettes (e- cigarettes), or any other electronic vaporizing device, while on school property at any time or while attending an off-campus school-related activity.

The district and its staff strictly enforce prohibitions against the use of all tobacco products, e-cigarettes, or any other electronic vaporizing device, by students and all others on school property and at school-sponsored and school-related activities. [See the Student Code of Conduct and policies at FNCD and GKA.]

Asbestos Management Plan (All Grade Levels)

The district works diligently to maintain compliance with federal and state law governing asbestos in school buildings. A copy of the district's Asbestos Management Plan is available in the superintendent's office. If you have any questions or would like to examine the district's plan in more detail, please contact Raul Gomez, the district's designated asbestos coordinator, at 972-923-4645.

Pest Management Plan (All Grade Levels)

The district is required to follow integrated pest management (IPM) procedures to control pests on school grounds. Although the district strives to use the safest and most effective methods to manage pests, including a variety of non-chemical control measures, periodic indoor and outdoor pesticide use is sometimes necessary to maintain adequate pest control and ensure a safe, pest-free school environment.

All pesticides used are registered for their intended use by the U.S. Environmental Protection Agency and are applied only by certified pesticide applicators. Except in an emergency, signs will be posted 48 hours before indoor application. All outdoor applications will be posted at the time of treatment, and signs will remain until it is safe to enter the area. Parents who have questions or who want to be notified of the times and types of applications prior to pesticide application inside their child's school assignment area may contact Jeronimo Suaste, the district's IPM coordinator, at 972-923-4645.

Homeless Students (All Grade Levels)

You are encouraged to inform the district if you or your child are experiencing homelessness. District staff can share resources with you that may be able to assist you and your family.

Please also check the campus website for information related to services available in the area that can help families who are homeless.

For more information on services for homeless students, contact the district's homeless

education liaison, Jacob Perry, at 972-923-4631.

[See **Students Who Are Homeless** on page 22.]

Homework (All Grade Levels)

Reference Board Policy FNA(Local)

Illness

[See **Student Illness** under **Health-Related Matters** on page 62.]

Immunization (All Grade Levels)

A student must be fully immunized against certain diseases or must present a certificate or statement that, for medical reasons or reasons of conscience, including a religious belief, the student will not be immunized. For exemptions based on reasons of conscience, only official forms issued by the Texas Department of State Health Services (DSHS), Immunization Branch, can be honored by the district. This form may be obtained by writing the DSHS Immunization Branch (MC 1946), P.O. Box 149347, Austin, Texas 78714-9347; or online at [Affidavit Request for Exemption from Immunization](#). The form must be notarized and submitted to the principal or school nurse within 90 days of notarization. If the parent is seeking an exemption for more than one student in the family, a separate form must be provided for each student.

The immunizations required are: diphtheria, tetanus, and pertussis; rubella (measles), mumps, and rubella; polio; hepatitis A; hepatitis B; varicella (chicken pox); and meningococcal. The school nurse can provide information on age-appropriate doses or on an acceptable physician-validated history of illness required by TDSHS. Proof of immunization may be established by personal records from a licensed physician or public health clinic with a signature or rubber-stamp validation.

If a student should not be immunized for medical reasons, the student or parent must present a certificate signed by a U.S. registered and licensed physician stating that, in the doctor's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or a member of the student's family or household. This certificate must be renewed yearly unless the physician specifies a lifelong condition.

As noted at **Bacterial Meningitis**, entering college students must also, with limited exception, furnish evidence of having received a bacterial meningitis vaccination within the five years prior to enrolling in and attending classes at an institution of higher education. A student wanting to enroll in a dual credit course taken off campus may be subject to this requirement.

[For further information, see policy FFAB(LEGAL) and the DSHS website: [Texas School & Child Care Facility Immunization Requirements](#).]

Law Enforcement Agencies (All Grade Levels)

Questioning of Students

When law enforcement officers or other lawful authorities wish to question or interview a student at school, the principal will cooperate fully regarding the conditions of the interview, if the questioning or interview is part of a child abuse investigation. In other circumstances:

- The principal will verify and record the identity of the officer or other authority and ask for an explanation of the need to question or interview the student at school.
- The principal ordinarily will make reasonable efforts to notify the parents unless the interviewer raises what the principal considers to be a valid objection.
- The principal ordinarily will be present unless the interviewer raises what the principal considers to be a valid objection.

Students Taken into Custody

State law requires the district to permit a student to be taken into legal custody:

- To comply with an order of the juvenile court.
- To comply with the laws of arrest.
- By a law enforcement officer if there is probable cause to believe the student has engaged in delinquent conduct or conduct in need of supervision.
- By a law enforcement officer to obtain fingerprints or photographs for comparison in an investigation.
- By a law enforcement officer to obtain fingerprints or photographs to establish a student's identity, where the child may have engaged in conduct indicating a need for supervision, such as running away.
- By a probation officer if there is probable cause to believe the student has violated a condition of probation imposed by the juvenile court.
- By an authorized representative of Child Protective Services (CPS), Texas Department of Family and Protective Services (DFPS), a law enforcement officer, or a juvenile probation officer, without a court order, under the conditions set out in the Family Code relating to the student's physical health or safety.
- To comply with a properly issued directive from a juvenile court to take a student into custody.

Before a student is released to a law enforcement officer or other legally authorized person, the principal will verify the officer's identity and, to the best of his or her ability, will verify the official's authority to take custody of the student.

The principal will immediately notify the superintendent and will ordinarily attempt to notify the parent unless the officer or other authorized person raises what the principal considers to be a valid objection to notifying the parents. Because the principal does not have the authority to prevent or delay a student's release to a law enforcement officer, any notification will most likely be after the fact.

Notification of Law Violations

The district is required by state law to notify:

- All instructional and support personnel who have responsibility for supervising a student who has been taken into custody, arrested, or referred to the juvenile court for any felony offense or for certain misdemeanors.
- All instructional and support personnel who have regular contact with a student who is thought to have committed certain offenses³⁸⁷ who has been convicted, received deferred

prosecution, received deferred adjudication, or was adjudicated for delinquent conduct for any felony offense or certain misdemeanors.

- All appropriate district personnel regarding a student who is required to register as a sex offender.

[For further information, see policy FL(LEGAL).]

Leaving Campus (All Grade Levels)

Please remember that student attendance is crucial to learning. We ask that appointments be scheduled outside of school hours as much as reasonably possible. Also note that picking up a student early on a regular basis results in missed opportunities for learning. Unless the principal has granted approval because of extenuating circumstances, a student will not regularly be released before the end of the school day.

State rules require that parental consent be obtained before any student is allowed to leave campus for any part of the school day. The district has put the following procedures in place to document parental consent:

- For students in elementary and middle school, a parent or otherwise authorized adult must come to the office and sign the student out. Please be prepared to show identification. Once an identity is verified, a campus representative will then call for the student or collect the student and bring him or her to the office. For safety purposes and stability of the learning environment, we cannot allow you to go to the classroom or other area unescorted to pick up the student. If the student returns to campus the same day, the parent or authorized adult must sign the student back in through the main office upon the student's return. Documentation regarding the reason for the absence will also be required.
- For students in high school, the same process will be followed. If the student's parent will authorize the student to leave campus unaccompanied, a note provided by the parent must be submitted to the main office in advance of the absence, no later than two hours prior to the student's need to leave campus. A phone call received from the parent may be accepted, but the school may ultimately require a note to be submitted for documentation purposes. Once the office has received information that the student's parent consents to the student leaving campus, a pass will be issued to the student to hand to his or her teacher with the necessary information. The student must sign out through the main office and sign in upon his or her return, if the student returns the same day. If a student is 18 years of age or is an emancipated minor, the student may produce a note on his or her own behalf. Documentation regarding the reason for the absence will be required.
- If a student becomes ill during the school day and the school nurse or other district personnel determines that the student should go home, the nurse will contact the student's parent and document the parent's wishes regarding release from school. Unless directed by the parent to release the student unaccompanied, the parent or other authorized adult must follow the sign-out procedures as listed above. If a student is allowed to leave campus by himself or herself, as permitted by the student's parent, or if the student is age 18 or is

an emancipated minor, the nurse will document the time of day the student was released. Under no circumstances will a student in elementary or middle school be released unaccompanied by a parent or adult authorized by the parent.

During Lunch

All WISD campuses are closed campuses; therefore, no students are allowed to leave during lunch without a parent to complete the checkout process. Parents are encouraged to visit their child during designated lunch time. Please check in as a visitor upon arriving at the campus.

At Any Other Time during the School Day

Students are not authorized to leave campus during regular school hours for any other reason, except with the permission of the principal.

Students who leave campus in violation of these rules will be subject to disciplinary action in accordance with the Student Code of Conduct.

Lost and Found (All Grade Levels)

A “lost and found” collection box is located in the campus office. If your child has lost an item, please encourage him or her to check the lost and found box. The district discourages students from bringing to school personal items of high monetary value, as the district is not responsible for lost or stolen items. The campus will dispose of lost and found items at the end of each semester.

Makeup Work Makeup Work Because of Absence (All Grade Levels)

For any class missed, the teacher may assign the student makeup work based on the instructional objectives for the subject or course and the needs of the individual student in mastering the essential knowledge and skills or in meeting subject or course requirements. A student will be responsible for obtaining and completing the makeup work in a satisfactory manner and within the time specified by the teacher. A student who does not make up assigned work within the time allotted by the teacher will receive a grade of zero for the assignment.

A student is encouraged to speak with his or her teacher if the student knows of an absence ahead of time, including absences for extracurricular activities, so that the teacher and student may plan any work that can be completed before or shortly after the absence. Please remember the importance of student attendance at school and that, even though absences may be excused or unexcused, all absences account for the 90 percent threshold regarding the state laws surrounding “attendance for credit or final grade.” [See **Attendance for Credit or Final Grade** on page 29.]

A student involved in an extracurricular activity must notify his or her teachers ahead of time about any absences.

A student will be permitted to make up tests and to turn in projects due in any class missed because of absence. Teachers may assign a late penalty to any long-term project in accordance with timelines approved by the principal and previously communicated to students.

DAEP Makeup Work

Elementary and Middle / Junior High School Grade Levels

An elementary or junior high school student removed to a disciplinary alternative education program (DAEP) during the school year will have an opportunity to complete class assignments in alignment with district scope and sequence based on state standards with similar resources to those provided at the home campus for required content areas.

Grades 9–12

A high school student removed to a disciplinary alternative education program (DAEP) during the school year will have an opportunity to complete, before the beginning of the next school year, a foundation curriculum course in which the student was enrolled at the time of removal. The district may provide the opportunity to complete the course through an alternative method, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FOCA(LEGAL).]

In-School Suspension (ISS) Makeup Work (All Grade Levels)

A student removed from the regular classroom to in-school suspension or another setting, other than a DAEP, will have an opportunity to complete before the beginning of the next school year each course the student was enrolled in at the time of removal from the regular classroom. The district may provide the opportunity by any method available, including a correspondence course, another distance learning option, or summer school. The district will not charge the student for any method of completion provided by the district. [See policy FO(LEGAL).]

Medicine at School (All Grade Levels)

Medication that must be administered to a student during school hours must be provided by the student's parent. All medication, whether prescription or nonprescription, must be kept in the nurse's office and administered by the nurse or another authorized district employee, unless the student is authorized to possess his or her own medication because of asthma or a severe allergy as described below or as otherwise allowed by law.

District employees will not give a student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements, with the following exception

Only authorized employees, in accordance with policy FFAC, may administer:

- With prior parental permission, the district may provide the following non-prescription medication: acetaminophen, ibuprofen, and cough drops.

- Prescription medication, in the original, properly labeled container, provided by the parent, along with a written request.
- Prescription medication from a properly labeled unit dosage container filled by a registered nurse or another qualified district employee from the original, properly labeled container.
- Nonprescription medication, in the original, properly labeled container, provided by the parent along with a written request. **Note:** Insect repellent is considered a nonprescription medication.
- Herbal or dietary supplements provided by the parent only if required by the student's individualized education program (IEP) or Section 504 plan for a student with disabilities.

Students whose schedules provide for regular time spent outdoors, including for recess and physical education classes, should apply sunscreen before coming to school.

For students at the elementary level, the student's teacher or other district personnel will apply sunscreen to a student's exposed skin if the student brings the sunscreen to school and requests assistance with the application of the sunscreen. Nothing prohibits a student at this level from applying his or her own sunscreen if the student is able to do so.

For students at the secondary level, a student may possess and apply sunscreen when necessary. If the student will need assistance with this application, please address the need for assistance with the school nurse.

Whether a student is at the elementary or secondary level, if sunscreen needs to be administered to treat any type of medical condition, this should be handled through communication with the school nurse so that the district is made aware of any safety and medical issues.

A student with asthma or severe allergic reaction (anaphylaxis) may be permitted to possess and use prescribed asthma or anaphylaxis medication at school or school-related events only if he or she has written authorization from his or her parent and a physician or other licensed health-care provider. The student must also demonstrate to his or her physician or health-care provider and to the school nurse the ability to use the prescribed medication, including any device required to administer the medication.

If the student has been prescribed asthma or anaphylaxis medication for use during the school day, the student and parents should discuss this with the school nurse or principal.

In accordance with a student's individual health plan for management of diabetes, a student with diabetes will be permitted to possess and use monitoring and treatment supplies and equipment while at school or at a school-related activity. See the school nurse or principal for information. [See policy FFAF(LEGAL).]

Psychotropic Drugs

A psychotropic drug is a substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. It is intended to have an altering effect on perception, emotion, or behavior and is commonly described as a mood- or behavior-altering substance. Teachers and other district employees may discuss a student's academic progress or behavior with the student's parents or another employee as appropriate; however, they are not permitted to recommend use of psychotropic drugs. A district employee who is a registered nurse, an advanced nurse practitioner, a physician, or a certified or credentialed mental health professional can recommend that a student be evaluated by an appropriate medical practitioner, if appropriate. [For further information, see policy FFAC.]

Nondiscrimination Statement (All Grade Levels)

In its efforts to promote nondiscrimination and as required by law, Waxahachie ISD does not discriminate on the basis of race, religion, color, national origin, gender, sex, disability, age, or any other basis prohibited by law, in providing education services, activities, and programs, including CTE programs, and provides equal access to the Boy Scouts and other designated youth groups.

Questions or concerns about discrimination against students based on sex, including sexual harassment should be first directed to the campus Title IX coordinator of the campus where a concern about such discrimination has occurred. The campus Title IX coordinators for each campus are as follows:

- Turner Pre-Kindergarten
Clift Elementary
Dunaway Elementary
Felty Elementary
Marvin Elementary
Principal Northside Elementary
Shackelford Elementary
Simpson Elementary
Wedgeworth Elementary
Wilemon Elementary
Principal
Coleman Junior High
Finley Junior High
Howard Junior High
Principal
Waxahachie High School
Asst. Principals
Waxahachie HSoC/Challenge
Waxahachie Global HS
Principal
- Normel Gilliam, Principal
Christy Bragg, Assistant Principal
Kristen Hughes, Assistant Principal
Ashley Gabbard, Assistant Principal
Michelle Bartosh, Assistant
Erica Brown, Assistant Principal
Traci Gilby, Assistant Principal
Krystal Cortez, Assistant Principal
, Assistant Principal
Jessica Nelson, Assistant
Blake Harrison, Assistant Principal
Jenni McLemore, Assistant Principal
Karina White, Assistant
Randall Buck & Sean Cagle,
Al Benskin, Director
Jerry Lozier, Assistant

Questions or concerns about discrimination against students based on sex, including sexual harassment may also be directed the district Title IX coordinator, Lee Auvenshine, Deputy Superintendent and General Counsel, 411 N. Gibson St. Waxahachie, TX, 75165, lauvenshine@wisd.org, 972-923-4631.

Questions or concerns about discrimination on the basis of a disability should be directed to Ginger Robinson the district ADA/Section 504 coordinator. All other questions or concerns relating to discrimination based on any other reasons should be directed to the Superintendent.

[See policies FB, FFH, and GKD.]

Nontraditional Academic Programs (All Grade Levels)

- **Waxahachie Global High School Early College High School** - This designation gives Global students the opportunity to earn college credits as early as their freshmen year of high school. An early college high school is designed so that a student can earn both a high school diploma and an Associate's Degree or up to two years of credit towards a Bachelor's Degree at no charge to the student or their family. Early college high school students have the potential to improve high school graduation rates and better prepare students for high-skill careers by engaging all students in a rigorous, college preparatory curriculum and compressing the number of years to a college degree

- **Waxahachie High School of Choice** - This program offers an alternative high school experience, designed to help at risk students achieve their goals of high school graduation and beyond. This program provides a different option for students other than the traditional school setting, through alternative school hours (minimum of 4 hours daily) through a digital curriculum facilitated by certified teachers. The program meets state high school graduation requirements.

Parent and Family Engagement (All Grade Levels) *Working Together*

Both experience and research tell us that a child's education succeeds best when there is good communication and a strong partnership between home and school. Your involvement and engagement in this partnership may include:

- Encouraging your child to put a high priority on education and working with your child on a daily basis to make the most of the educational opportunities the school provides.
- Ensuring that your child completes all homework assignments and special projects and comes to school each day prepared, rested, and ready to learn.
- Becoming familiar with all your child's school activities and with the academic programs, including special programs, offered in the district.
- Discussing with the school counselor or principal any questions you may have about the options and opportunities available to your child.
- Reviewing the requirements and options for graduation with your child in middle school and again while your child is enrolled in high school.
- Monitoring your child's academic progress and contacting teachers as needed. [See **Academic Counseling** on page 41.]
- Attending scheduled conferences and requesting additional conferences as needed. To schedule a telephone or in-person conference with a teacher, school counselor, or principal, please call

the school office for an appointment. The teacher will usually return your call or meet with you during his or her conference period or before or after school. [See **Report Cards/Progress Reports and Conferences** on page 79.]

- Becoming a school volunteer. [For further information, see policy GKG and **Volunteers** on page 94.]
- Participating in campus parent organizations. Refer to your campus addendum for more information about individual campus parent organizations.
- Serving as a parent representative on the district-level or campus-level planning committees, assisting in the development of educational goals and plans to improve student achievement.
- Serving on the School Health Advisory Council (SHAC), assisting the district in ensuring local community values are reflected in health education instruction and other wellness issues. [See policies at BDF, EHAA, FFA, and information in this handbook at **School Health Advisory Council (SHAC)** on page 65.]
- Being aware of the school's ongoing bullying and harassment prevention efforts.
- Contacting school officials if you are concerned with your child's emotional or mental well-being.
- Attending board meetings to learn more about district operations. [See policies at BE and BED for more information.]

Parking and Parking Permits (Secondary Grade Levels Only)

Vehicles parked on school property are under the jurisdiction of the school. The school reserves the right to search any vehicle if reasonable cause exists with or without the presence of the student. Students maintain full responsibility for the security of their vehicles and contents. Students will make certain vehicles are locked and the keys are not given to others. Students are responsible for any prohibited objects or substances, such as alcohol, drugs, and weapons that are found in the cars and will be subject to disciplinary action. The Student Parking Lot is not for dropping off or picking up students. All students with cars must purchase parking permits. Permits are valid for the current school year. The cost of the first parking permit is \$20.00 per student. Additional or replacement permits are \$10.00 each. Sale or transfer of permits between students or to any other car is prohibited. Permit tags/stickers must be displayed on the vehicle when the car is on school property. Cars must be parked within the designated space. Do not back into the space. Students should not park in such a manner as to block or damage another student's car. Students are not allowed on any WHS Parking lot other than the student lot or designated overflow areas. When arriving on campus, park your car, unload occupants and proceed immediately inside the building. Loitering is not allowed. Smoking, tobacco, or alcohol use is not allowed on campus. This includes parking lots. Littering is not allowed. All trash will be put into the litter barrels. Violators will be subject to disciplinary action, including loss of parking privileges. Students leaving campus without the school's written permission will be subject to loss of parking privileges; and/or disciplinary measures as deemed appropriate by principle or the school resource officers. School authorities have the right to revoke parking permits and suspend parking privileges from students for repeated violations. See Handbook. No refunds will be given as a result of a permit being revoked. Parking lot violations will be handled with disciplinary procedures. These rules apply to all student drivers, including area students that are attending vocational classes.

Student discipline may be issued for the following violations:

- Speeding
- Parking in Staff or Visitor Parking
- Parked in Fire Lane, Handicap, or Bus Loading Zone
- Parking Without Permit
- Parking with Fictitious Permit
- Displaying False Permit
- Reckless Driving
- Spinning Tires
- Excessive Exhaust
- Driving on Unimproved Surface
- [Student](#) Riding on Exterior of Vehicle
- Offensive Writing or Symbols on Vehicle
- Double Parking
- Loud Music
- Loitering in the Parking Lot

Any student violation of any parking regulation or traffic control law is subject to disciplinary action. The consequences may include the loss of your parking privilege for three or more days, removal of the vehicle from the campus at the owner's expense, and/or campus discipline assignment.

If you are involved in an accident on school property you must tell a School Resource Officer/Security Officer or a principal immediately. Do not drive away or you could be charged with a Hit and Run.

Physical Examinations / Health Screenings

Athletics Participation (Secondary Grade Levels Only)

A student who wishes to participate in, or continue participation in, the district's athletics program governed by the UIL must submit certification from a health-care provider authorized under UIL rules that the student has been examined and is physically able to participate in the athletic program.

This examination is required to be submitted annually to the district.

Spinal Screening Program

School-based spinal screening helps identify adolescents with abnormal spinal curvature and refer them for appropriate follow-up by their physician. Screening can detect scoliosis at an early stage, when the curve is mild and may go unnoticed. Early detection is key to controlling spinal deformities.

All students who meet the Texas Department of State Health Services criteria will be screened for abnormal spinal curvature before the end of the school year. For information on spinal screening by an outside professional or exemption from spinal screening based on religious beliefs, see policy FFAA(LEGAL) or contact the superintendent.

Spinal screening is non-invasive and conducted following the most recent, nationally accepted and peer-reviewed standards for spinal screening.

Other Examinations and Screenings (All Grade Levels)

Students are required to undergo a risk assessment for Type 2 diabetes at the same time the district screens students for hearing and vision issues, or for abnormal spinal curvatures.

[See policy FFAA.]

Pledges of Allegiance and a Minute of Silence (All Grade Levels)

Each school day, students will recite the Pledge of Allegiance to the U.S. flag and the Pledge of Allegiance to the Texas flag. Parents may submit a written request to the principal to excuse their child from reciting a pledge. [See **Reciting the Pledges to the U.S. and Texas Flags** on page 14.]

State law requires that one minute of silence follow recitation of the pledges. Each student may choose to reflect, pray, meditate, or engage in any other silent activity during that minute so long as the silent activity does not interfere with or distract others. In addition, state law requires that each campus provide for the observance of one minute of silence at the beginning of the first class period when September 11 falls on a regular school day in remembrance of those who lost their lives on September 11, 2001.

[See policy EC for more information.]

Prayer (All Grade Levels)

Each student has a right to pray individually, voluntarily, and silently or to meditate in school in a manner that does not disrupt instructional or other activities of the school. The school will not encourage, require, or coerce a student to engage in or to refrain from such prayer or meditation during any school activity.

Promotion and Retention

A student will be promoted only on the basis of academic achievement or demonstrated proficiency in the subject matter of the course or grade level, the recommendation of the student's teacher, the score received on any criterion-referenced or state-mandated assessment, and any other necessary academic information as determined by the district.

In addition, at certain grade levels a student—with limited exceptions—will be required to pass the State of Texas Assessments of Academic Readiness (STAAR) if the student is enrolled in a public Texas school on any day between January 1 and the date of the first administration of the STAAR.

Elementary and Middle / Junior High Grade Levels

In grades 1-5, promotion is based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in English language arts/reading, mathematics, and either science or social studies.

In grades 6-7, promotion is based on overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of

70 or above in reading, English language arts, mathematics, and either science or social studies.

In grade 8, promotion is based on an overall average of 70 on a scale of 100 based on course-level, grade-level standards (essential knowledge and skills) for all subject areas and a grade of 70 or above in English language arts/reading, mathematics, and either science or social studies.

To be promoted to grade 6, students enrolled in grade 5 must perform satisfactorily on the mathematics and reading sections of the grade 5 assessment in English or Spanish.

To be promoted to grade 9, students enrolled in grade 8 must perform satisfactorily on the mathematics and reading sections of the grade 8 assessment in English.

If a student in grade 5 or 8 is enrolled in a course that earns high school credit and for which an end-of-course (EOC) assessment will be administered, the student will not be subject to the promotion requirements described above for the relevant grade 5 or 8 assessment. The student will instead take the corresponding EOC assessment.

If a student in grades 3–8 is enrolled in a class or course intended for students above his or her current grade level in which the student will be administered a state-mandated assessment, the student will be required to take an applicable state-mandated assessment only for the course in which he or she is enrolled, unless otherwise required to do so by federal law.

[See **Standardized Testing** on page 86.]

A student in grade 5 or 8 will have two additional opportunities to take a failed assessment. If a student fails a second time, a grade placement committee, consisting of the principal or designee, the teacher, and the student's parent, will determine the additional special instruction the student will receive. After a third failed attempt, the student will be retained; however, the parent can appeal this decision to the committee. For the student to be promoted, based on standards previously established by the district, the decision of the committee must be unanimous, and the student must complete additional special instruction before beginning the next grade level. Whether the student is retained or promoted, an educational plan for the student will be designed to enable the student to perform at grade level by the end of the next school year. [See policy EIE.]

Certain students—some with disabilities and some classified as English learners—may be eligible for exemptions, accommodations, or deferred testing. An admission, review, and dismissal (ARD) committee meeting will be convened if a student receiving special education services in grade 5 or 8 fails to meet satisfactory performance after the first STAAR administrations in reading or math. For more information, see the principal, school counselor, or special education director.

Parents of a student at or above grade level 3 who does not perform satisfactorily on his or her state-mandated examinations, will be notified that their child will participate in special instructional programs designed to improve performance. The student may be required to participate in this instruction before or after normal school hours or outside of the normal school year. Failure of a student to attend these programs may result in violations of required school attendance as well as the student not being promoted to the next grade level.

A personal graduation plan (PGP) will be prepared for any student at the middle school or junior high level who did not perform satisfactorily on a state-mandated assessment or is

determined by the district as not likely to earn a high school diploma before the fifth school year following enrollment in grade 9. The PGP will be designed and implemented by a school counselor, teacher, or other staff member designated by the principal. The plan will, among other items, identify the student's educational goals, address the parent's educational expectations for the student, and outline an intensive instruction program for the student. [For additional information, see the school counselor and policy EIF(LEGAL).] For a student receiving special education services, the student's IEP may serve as the student's PGP and would therefore be developed by the student's ARD committee.

[For information related to the development of personal graduation plans for high school students, see **Personal Graduation Plans** on page 59.]

High School Grade Levels

To earn credit in a course, a student must receive a grade of at least 70 based on course-level or grade-level standards.

A student in grades 9–12 will be advanced a grade level based on the number of course credits earned. [See **Grade Level Classification** on page 56.]

Students will also have multiple opportunities to retake EOC assessments. [See **Graduation** on page 57 and **Standardized Testing** on page 86 for more information about EOC assessments.]

Release of Students from School

[See **Leaving Campus** on page 70.]

Report Cards / Progress Reports and Conferences (All Grade Levels)

Report cards with each student's grades or performance and absences in each class or subject are issued at least once every nine (9) weeks.

After the fourth week of a nine-week grading period, parents will receive a progress report if their child's performance in any course/subject area is near or below 70, or is below the expected level of performance. If the student receives a grade lower than 70 in any class or subject at the end of a grading period, the parent will be requested to schedule a conference with the teacher of that class or subject. [See **Working Together** on page 75 for how to schedule a conference.]

Teachers follow grading guidelines that have been approved by the superintendent pursuant to the board-adopted policy and are designed to reflect each student's relative mastery of each assignment for the grading period, semester, or course. State law provides that a test or course grade issued by a teacher cannot be changed unless the board determines that the grade was arbitrary or contains an error, or that the teacher did not follow the district's grading policy. [See policy EIA(LOCAL) and **Grading Guidelines** on page 56.]

Questions about grade calculation should first be discussed with the teacher; if the question is not resolved, the student or parent may request a conference with the principal in accordance with FNG(LOCAL).

The report card or unsatisfactory progress report will state whether tutorials are required for a student who receives a grade lower than 70 in a class or subject.

Report cards and unsatisfactory progress reports must be signed by the parent and returned to the school within 7 days. The district may use an electronic program to communicate academic information about your child, including for report card and progress reporting purposes. An electronic signature of the parent will be accepted by the district, but you are entitled to request the option to provide a handwritten signature of acknowledgment instead.

Retaliation

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 43.]

Safety (All Grade Levels)

Student safety on campus, at school-related events, and on district vehicles is a high priority of the district. Although the district has implemented safety procedures, the cooperation of students is essential to ensuring school safety. A student is expected to:

- Avoid conduct that is likely to put the student or others at risk.
- Follow the behavioral standards in this handbook and the Student Code of Conduct, as well as any additional rules for behavior and safety set by the principal, campus behavior coordinator, teachers, or bus drivers.
- Remain alert to and promptly report to a teacher or the principal any safety hazards, such as intruders on campus or threats made by any person toward a student or staff member.
- Know emergency evacuation routes and signals.
- Follow immediately the instructions of teachers, bus drivers, and other district employees who are overseeing the welfare of students.

Bicycles

Since riding a bicycle to school requires students to obey the same traffic rules that apply to automobiles, students must also accept the same responsibility for safety. Students are to ride in single file WITH THE TRAFFIC, stop for lights and stop signs, signal for turns, give pedestrians the right of way, and watch out for their own safety and the safety of others. Students must also remember to walk their bikes when on school property or crossing at crosswalks.

Students need to be sure to secure their bikes with locks because the school cannot be responsible for lost or stolen bikes. Remember that skateboards, shoes with wheels, skates, scooters, and roller blades are not allowed at school.

Walking to and from School

When students are walking to and from school, they should obey all traffic rules. For the children's safety, the city provides crossing guards at designated locations. Students are encouraged to cross only where the guards can help them and must follow all district dismissal procedures.

Insurance for Career and Technical Education (CTE) Programs

If the board purchases accident, liability, or automobile insurance coverage for students or businesses involved in the district's CTE programs, the district will notify the affected students and parents.

Preparedness Drills: Evacuation, Severe Weather, and Other Emergencies

Occasionally, students, teachers, and other district employees will participate in preparedness drills of emergency procedures. When the command is given or alarm is sounded, students need to follow the direction of teachers or others in charge quickly, quietly, and in an orderly manner.

Emergency Medical Treatment and Information

If a student has a medical emergency at school or a school-related activity when the parent cannot be reached, the school may have to rely on previously provided written parental consent to obtain emergency medical treatment, and information about allergies to medications, foods, insect bites, etc. Therefore, all parents are asked each year to complete an emergency care consent form. Parents should keep emergency care information up-to-date (name of doctor, emergency phone numbers, allergies, etc.). Please contact the school nurse to update any information that the nurse or the teacher needs to know.

Emergency School-Closing Information

In the case of an emergency, it is the goal of the district to provide accurate, timely information to our families. If the district or campus must close, delay opening, or restrict access to the building because of an emergency, timely information will be posted on the district website and on all social media accounts, including WISD [Facebook](#) and [Twitter](#) sites. In addition, the district will also alert the community in the following ways:

- ☐ School Messenger phone call, text message and/or email
- ☐ Local Radio station: KBEC 1390 AM
- ☐ Local TV stations:
 - ☐ FOX4 Dallas (Channel 4)
 - ☐ NBCDFW (Channel 5)
 - ☐ WFAA (Channel 8)
 - ☐ CBSDFW (Channel 11)

Each year, parents are asked to complete an emergency release form to provide contact information in the event that school is dismissed early or opening is delayed because of severe weather or another emergency, or if the campus must restrict access due to a security threat.

The district will rely on contact information on file with the district to communicate with parents in an emergency situation, which may include real-time or automated messages. **It is crucial to notify your child's school when a phone number previously provided to the district has changed.**

[See **Communications-Automated, Emergency** on page 39 for more information.]

SAT, ACT, and Other Standardized Tests

[See **Standardized Testing** on page 86.]

Schedule Changes (Middle / Junior High and High School Grade Levels)

Refer to your campus addendum for more information related to the schedule change process and timelines.

School Facilities

Use by Students Before and After School (All Grade Levels)

Certain areas of the school will be accessible to students before and after school for specific purposes. Students are required to remain in the area where their activity is scheduled to take place. Refer to your campus addendum for more information related to areas where students report before and after school.

Unless the teacher or sponsor overseeing an activity gives permission, a student will not be permitted to go to another area of the building or campus.

After dismissal of school in the afternoon, unless a student is involved in an activity under the supervision of a teacher or other authorized employee or adult, or unless students are granted permission to remain on campus in accordance with policy FNAB, students must leave campus immediately.

Conduct Before and After School (All Grade Levels)

Teachers and administrators have full authority over student conduct at before- or after-school activities on district premises and at school-sponsored events off district premises, such as play rehearsals, club meetings, athletic practices, and special study groups or tutorials. Students are subject to the same rules of conduct that apply during the instructional day and will be subject to consequences established by the Student Code of Conduct or any stricter standards of behavior established by the sponsor for extracurricular participants.

Use of Hallways during Class Time (All Grade Levels)

Loitering or standing in the halls during class is not permitted. During class time, a student must have a hall pass to be outside the classroom for any purpose. Failure to obtain a pass will result in disciplinary action in accordance with the Student Code of Conduct.

Cafeteria Services (All Grade Levels)

The district participates in the School Breakfast Program and National School Lunch Program and offers students nutritionally balanced meals daily in accordance with standards set forth in state and federal law.

Free and reduced-price meals are available based on financial need or household situation. Information about a student's participation is confidential. The district may share information such as a student's name and eligibility status to help enroll eligible children in Medicaid or the state children's health insurance program (CHIP) unless the student's parent notifies the district that a student's information should not be disclosed.

Participating students will be offered the same meal options as their peers and will not be treated differently from their peers.

See Child Nutrition Documents and Resources at www.wisd.org to apply for free or reduced-price meal services.

Parents are strongly encouraged to setup "FREE" low balance notifications and continually monitor their child's meal account balance online at www.myschoolbucks.com . When a student's meal account is depleted, the district will make every attempt to notify parents by phone, mail and/or email. Students will be allowed to charge up to \$10.00 (menu meals only). All students, over the charge limit of \$10.00, will receive a sack lunch before or during meal service. Additional charges may apply. Snacks or ala carte items will not be sold to students with negative balances. Prompt remediation of insufficient accounts is expected and appreciated. Payment plans may be set-up through WISD Student Nutrition 972-923-4630.

Library (All Grade Levels)

The library is a learning laboratory with books, computers, magazines, and other materials available for classroom assignments, projects, and reading or listening pleasure. The library is open for independent student use on a daily basis. See campus librarian for open library times.

Meetings of Noncurricular-Related Groups (Secondary Grade Levels Only)

Student-organized, student-led non-curriculum-related groups are permitted to meet during the hours designated by the principal before and after school. These groups must comply with the requirements of policy FNAB(LOCAL).

A list of these groups is available in the principal's office.

School-sponsored Field Trips (All Grade Levels)

The district periodically takes students on field trips for educational purposes.

A parent must provide permission for a student to participate in a field trip.

The district may ask the parent to provide information about a student's medical provider and insurance coverage, and may also ask the parent to sign a waiver allowing for emergency medical treatment in the case of a student accident or illness during the field trip.

The district may require a fee for student participation in a field trip to cover expenses such as transportation, admission, and meals; however, a student will not be denied participation because of financial need.

Searches

***District Property* (All Grade Levels)**

Desks, lockers, district-provided technology, and similar items are the property of the district and are provided for student use as a matter of convenience. District property is subject to search or inspection at any time without notice. Students have no expectation of privacy in district property.

Students are responsible for any item—found in district property provided to the student—that is prohibited by law, district policy, or the Student Code of Conduct.

***Searches in General* (All Grade Levels)**

In the interest of promoting student safety and attempting to ensure that schools are safe and drug free, district officials may occasionally conduct searches.

District officials may conduct searches of students, their belongings, and their vehicles in accordance with law and district policy. Searches of students will be conducted without discrimination, based on, for example, reasonable suspicion, voluntary consent, or pursuant to district policy providing for suspicionless security procedures, including the use of metal detectors.

In accordance with the Student Code of Conduct, students are responsible for prohibited items found in their possession, including items in their personal belongings or in vehicles parked on district property.

If there is reasonable suspicion to believe that searching a student's person, belongings, or vehicle will reveal evidence of a violation of the Student Code of Conduct, a district official may conduct a search in accordance with law and district regulations.

***Metal Detectors
(All Grade Levels)***

To maintain a safe and disciplined learning environment, the district reserves the right to subject students to metal detector searches when entering a district campus and at off-campus, school-sponsored activities.

***Trained Dogs
(All Grade Levels)***

The district will use trained dogs to screen for concealed, prohibited items, including drugs and alcohol. Screenings conducted by trained dogs will not be announced in advance. The dogs will not be used with students, but students may be asked to leave personal belongings in an area that is going to be screened, such as a classroom, a locker, or a vehicle. If a dog alerts to an item or an area, it may be searched by district officials.

Telecommunications and Other Electronic Devices (All Grade Levels)

Use of district-owned equipment and its network systems is not private and will be monitored by the district. [See policy CQ for more information.]

Any searches of personal telecommunications or other personal electronic devices will be conducted in accordance with law, and the device may be confiscated to perform a lawful search. A confiscated device may be turned over to law enforcement to determine whether a crime has been committed.

[See policy FNF(LEGAL) and Electronic Devices and Technology Resources on page 51 for more information.]

***Drug Testing
(Secondary Grade Levels Only)***

Waxahachie ISD conducts random drug testing on students in grades 7-12 that participate in school-sponsored extracurricular activities (both UIL and non-UIL sanctioned).

The Board encourages students to participate in school-sponsored extracurricular activities, but believes the opportunity to participate is a privilege offered to eligible students on an equal opportunity basis. The use of alcohol or other drugs by students participating in extracurricular activities presents a hazard to the health, safety, and welfare of the student participant. The Board believes testing student participants in school-sponsored extracurricular activities serves the important purpose of detecting and preventing illegal drug and alcohol use among students.

“School-sponsored extracurricular activity” means, without limitation, all interscholastic athletics, cheerleading, drill team, academic clubs, special interest clubs, musical performances, dramatic productions, student government, and any other activity or group that participates in contests, competitions, or community service projects on behalf of or as a representative of the District. To be eligible to participate in any school-sponsored extracurricular activity, a secondary student (grades 7–12) must agree to

participate in a drug-testing program that includes random testing during the school year. [For further information, see policy FNF(LOCAL). Also see Steroids.] Please refer to the Waxahachie ISD Random Student Drug Testing webpage for more information on this process.

[For further information, see policy FNF(LOCAL). Also see **Steroids** on page 90.]

Sexual Harassment

[See **Dating Violence, Discrimination, Harassment, and Retaliation** on page 43.]

Special Programs (All Grade Levels)

The district provides special programs for gifted and talented students, homeless students, students in foster care, bilingual students, migrant students, English learners, students diagnosed with dyslexia, and students with disabilities. The coordinator of each program can answer questions about eligibility requirements, as well as programs and services offered in the district or by other organizations. A student or parent with questions about these programs should contact the following:

- Gifted and Talented: Melissa Abadie, Assistant Director of Advanced Academics and STEAM Education, 972-923-4727, Email: mabadie@wisd.org,
- Homeless Students: Jacob Perry, Director of Campus and Student Services, 972-923-4631, Email: jperry@wisd.org
- Foster Care: Ginger Robinson, Director of Educational Support & Counseling Services, 972-923- 4727, Email: grobinson@wisd.org
- Bilingual/ESL Programs: Lynda Solis, Director of Bilingual and ESL, 972-923-4727, Email: lsolis@wisd.org
- Migrant Students: Christi Kubin, Director of Curriculum and Federal Programs , 972-923-4727, Email: ckubin@wisd.org
- Dyslexia Services: Jayme Winters, Dyslexia Coordinator, 972-923-4638, [Email: jwinters@wisd.org](mailto:jwinters@wisd.org)
- Special Education: Brandy Pustejovsky, Director of Special Education, 972-923-4638, Email: bpustejovsky@wisd.org

Standardized Testing

Secondary Grade Levels

SAT / ACT

(Scholastic Aptitude Test and American College Test)

Many colleges require either the American College Test (ACT) or the Scholastic Aptitude Test (SAT) for admission. Students are encouraged to talk with the school counselor early during their junior year to determine the appropriate examination to take; these examinations are usually taken at the end of the junior year. The Preliminary SAT (PSAT) and ACT-Aspire are the corresponding preparatory and readiness assessments for the SAT and ACT, and more information can be obtained on these assessments from the school counselor.

Note: Participation in these assessments may qualify a student to receive a performance acknowledgment on his or her transcript under the foundation graduation program and may qualify as a substitute for an end-of-course testing requirement in certain circumstances. A student's performance at a certain level on the SAT or ACT also makes the student eligible for automatic admission to a Texas public institution of higher education.

TSI (Texas Success Initiative) Assessment

Prior to enrollment in a Texas public college or university, most students must take a standardized test called the Texas Success Initiative (TSI) assessment. The purpose of the TSI assessment is to assess the reading, mathematics, and writing skills that entering freshmen-level students should have if they are to perform effectively in undergraduate certificate or degree programs in Texas public colleges and universities. This assessment may be required before a student enrolls in a dual credit course offered through the district as well. Achieving certain benchmark scores on this assessment for college readiness may also waive certain end-of-course assessment requirements in limited circumstances.

STAAR (State of Texas Assessments of Academic Readiness)

Grades 3–8

In addition to routine tests and other measures of achievement, students at certain grade levels are required to take the state assessment, called STAAR, in the following subjects:

- Mathematics, annually in grades 3–8
- Reading, annually in grades 3–8
- Writing, including spelling and grammar, in grades 4 and 7
- Science in grades 5 and 8
- Social Studies in grade 8

Successful performance on the reading and math assessments in grades 5 and 8 is required by law for the student to be promoted to the next grade level, unless the student is enrolled in a reading or math course intended for students above the student's current grade level.

Exceptions may apply for students enrolled in a special education program if the admission, review, and dismissal (ARD) committee concludes the student has made sufficient progress in the student's individualized education plan (IEP). [See **Promotion and Retention** on page 77 for additional information.]

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain state-established criteria as determined by the student's ARD committee.

STAAR Spanish is available for eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

High School Courses—End-of-Course (EOC) Assessments

STAAR end-of-course (EOC) assessments are administered for the following courses:

- Algebra I
- English I and English II
- Biology
- U.S. History

Satisfactory performance on the applicable assessments will be required for graduation, unless otherwise waived or substituted as allowed by state law and rules.

There are three testing windows during the year in which a student may take an EOC assessment, which will occur during the fall, spring, and summer months. If a student does not meet satisfactory performance, the student will have additional opportunities to retake the assessment.

STAAR Alternate 2 is available for eligible students receiving special education services who meet certain criteria established by the state as determined by the student's ARD committee.

An admission, review, and dismissal (ARD) committee for a student receiving special education services will determine whether successful performance on the EOC assessments will be required for graduation within the parameters identified in state rules and the student's personal graduation plan (PNP).

[See **Graduation** on page 57 for additional information.]

Steroids (Secondary Grade Levels Only)

State law prohibits students from possessing, dispensing, delivering, or administering an anabolic steroid. Anabolic steroids are for medical use only, and only a physician can prescribe use.

Body building, muscle enhancement, or the increase of muscle bulk or strength through the use of an anabolic steroid or human growth hormone by a healthy student is not a valid medical use and is a criminal offense.

Students in Foster Care (All Grade Levels)

In an effort to provide educational stability, the district will assist any student who is currently placed or newly placed in foster care (temporary or permanent custody of the state, sometimes referred to as substitute care) with the enrollment and registration process, as well as other educational services throughout the student's enrollment in the district.

Please contact, Ginger Robinson, who has been designated as the district's foster care liaison, at 972-923-4727 with any questions.

[See **Students in the Conservatorship of the State** on page 21 for more information.]

Student Speakers (All Grade Levels)

The district provides students the opportunity to introduce the following school events: graduation events, pep rallies, student assemblies, and daily announcements. (Note: this list is not comprehensive.) If a student meets the eligibility criteria and wishes to introduce one of the school events listed above, the student should submit his or her name in accordance with policy FNA(LOCAL).

[See policy FNA(LOCAL) regarding other speaking opportunities and **Graduation** on page 57 for information related to student speakers at graduation ceremonies.]

Substance Abuse Prevention and Intervention (All Grade Levels)

If you are worried that your child may be using or is in danger of experimenting, using, or abusing illegal drugs or other prohibited substances, please contact the school counselor. The school counselor can provide you with a list of community resources that may be of assistance to you. The Texas Department of State Health Services (DSHS) maintains information regarding children's mental health and substance abuse intervention services on its website: [Mental Health and Substance Abuse](#).

Suicide Awareness and Mental Health Support (All Grade Levels)

The district is committed to partnering with parents to support the healthy mental, emotional, and behavioral development of its students. If you are concerned about your child, please visit [Texas Suicide Prevention](#) or contact the school counselor for more information related to suicide prevention services available in your area.

You may also contact the National Suicide Prevention Lifeline at 1-800-273-8255.

Summer School (All Grade Levels)

The district provides opportunities for students to receive accelerated instruction during the summer if the student did not meet passing standards on State of Texas Assessment of Academic Readiness (STAAR) in grades 5, 8 or on End of Course Exams in grades 9-12.

Tardies (All Grade Levels)

It is critical to a student's success to arrive at school and class in a timely manner and ready to learn. Repeated instances of tardiness will result in more severe disciplinary action, in accordance with the Student Code of Conduct.

Refer to your campus addendum to find more information about how students check in with the registrar upon arriving when tardy, as well as the impact of tardies on students.

Textbooks, Electronic Textbooks, Technological Equipment, and Other Instructional Materials (All Grade Levels)

Textbooks and other district-approved instructional materials are provided to students free of charge for each subject or class. Any books must be covered by the student, as directed by the teacher, and treated with care. Electronic textbooks and technological equipment may also be provided to students, depending on the course and course objectives. A student who is issued a damaged item should report the damage to the teacher. Any student failing to return an item in acceptable condition loses the right to free textbooks and technological equipment until the item is returned or the damage paid for by the parent; however, the student will be provided the necessary instructional resources and equipment for use at school during the school day.

Transfers (All Grade Levels)

The principal is authorized to transfer a student from one classroom to another.

[See **Safety Transfers/Assignments** on page 20, **Bullying** on page 32, and **Students Who Have Learning Difficulties or Who Need Special Education or Section 504 Services** on page 22, for other transfer options.]

Transportation (All Grade Levels)

School-sponsored Trips

Students who participate in school-sponsored trips are required to use transportation provided by the school to and from the event. As approved by the principal, a coach or sponsor of an extracurricular activity may establish procedures related to making an exception to this requirement when a parent requests that the student be released to the parent or to another adult designated by the parent. [See **School-sponsored Field Trips** on page 84 for more information.]

Buses and Other School Vehicles

The district makes school bus transportation available to all students living two or more miles from school. This service is provided at no cost to students.

Bus routes and stops will be designated annually, and any subsequent changes will be posted at the school and on the district's website. For the safety of the operator of the vehicle and all passengers, students must board buses or other vehicles only at authorized stops, and drivers must unload passengers only at authorized stops.

The district has identified the following areas where hazardous traffic conditions and/or areas presenting a high risk of violence exist for students who live within two miles of the campus:

Elementary Students:

- Texas Baptist Home, Farley Street

- River Oaks subdivision, Hwy. 287 access road and Farley Street
- Mustang Ridge – Hwy. 287 access road and Brown Street
- Country Meadows – Hwy. 287 and Hwy 77
- Blue Lake Villas – YMCA Drive
- Hunters Cove – Hwy. 287 access road

Secondary Students:

- Blue Lake Villas – YMCA Drive
- Hunters Cove – Hwy. 287 access road

Because students in these areas might encounter hazardous traffic conditions, the district will provide transportation to these students. Please contact WISD Transportation Department for additional information.

A parent may also designate a child-care facility or grandparent's residence as the regular pickup and drop-off location for his or her child. The designated facility or residence must be on an approved stop on an approved route. For information on bus routes and stops or to designate an alternate pickup or drop-off location, you may contact the Transportation Department at 972-923-4632.

[See the Student Code of Conduct for provisions regarding transportation to the DAEP.]

Students are expected to assist district staff in ensuring that buses and other district vehicles remain in good condition and that transportation is provided safely. When riding in district vehicles, including buses, students are held to behavioral standards established in this handbook and the Student Code of Conduct. Students must:

- Student must scan their I.D. Badge when boarding or de-boarding the school bus.
- Follow the driver's directions at all times.
- Enter and leave the vehicle in an orderly manner at the designated stop.
- Keep feet, books, instrument cases, and other objects out of the aisle.
- Not deface the vehicle or its equipment.
- Not put head, hands, arms, or legs out of the window, hold any object out of the window, or throw objects within or out of the vehicle.
- Not possess or use any form of tobacco or e-cigarettes in any district vehicle.
- Observe all usual classroom rules.
- Be seated while the vehicle is moving.
- Fasten their seat belts, if available.
- Wait for the driver's signal upon leaving the vehicle and before crossing in front of the vehicle.
- Follow any other rules established by the operator of the vehicle.

- Students must remain seated at all times and face the front of the bus.
- Any or all seats may be assigned any time at the driver's discretion.
- Nothing may be extended outside the windows at any time.
- Emergency doors and windows may not be entered or exited except for emergency purposes.
- No type of weapon, explosive, fireworks, sharp, or pointed articles will be permitted.
- No type of alcoholic beverage, controlled drug, or substance will be permitted. No type of tobacco product will be permitted.
- Students must follow the driver's instructions at all times.
- Cursing, obscenities, harassment and scuffling are forbidden.
- Students may not depart at any unauthorized stop unless approval is granted by a school administrator.
- Non-eligible students may not ride the bus at any time. Students are "non-eligible" if they reside inside of a half mile radius of the campus they attend and if they are not on a regular WISD bus route.
- No objects may be thrown, tossed or pitched inside or outside the bus.
- All items brought on board must fit in the student's lap. Seats will not be taken by large band instruments, schoolwork, projects, or any item which takes up another student's seat. Please make special arrangements for transporting these large articles.
Drivers are not required to wait for students at the bus stop, or to sound the horn while students come out of their residence. Students must be at the stop ten minutes before the bus arrives.
- WISD students and staff are the only authorized persons to board school buses.
- No type of animal, pet, or bird is permitted on buses.
- Fighting is absolutely forbidden.
- Students may not eat, drink, or litter while on the bus.
- Students may be denied bus privileges and be required to pay for any damage to any part of the bus including seats and equipment.
- Any elementary student, who rides a WISD bus that is not assigned to him/her, must first receive authorization from the office. A transportation authorization slip signed by a campus official must be given by the student to the bus driver.

Misconduct will be punished in accordance with the Student Code of Conduct; the privilege to ride in a district vehicle, including a school bus, may be suspended or revoked.

☐ Minor Offenses:

- ☐ 1st - verbal warning with written documentation from driver

- ☐ 2nd - written warning with written documentation from driver.
- ☐ 3rd - warning with written documentation from driver Transportation Supervisor/Coordinator contacts parent.
- ☐ 4th - referral to campus with documentation of previous warnings and parent contact.
- ☐ Major Offenses: Immediate referral to campus with video or suspension by Transportation Supervisor/Coordinator
 - ☐ Fighting
 - ☐ Possessing a weapon
 - ☐ Safety violations

Misconduct will be punished in accordance with the Student Code of Conduct; the privilege to ride in a district vehicle, including a school bus, may be suspended or revoked.

Vandalism (All Grade Levels)

The taxpayers of the community have made a sustained financial commitment for the construction and upkeep of school facilities. To ensure that school facilities can serve those for whom they are intended—both this year and for years to come—littering, defacing, or damaging school property is not tolerated. Students will be required to pay for damages they cause and will be subject to criminal proceedings as well as disciplinary consequences in accordance with the Student Code of Conduct.

Video Cameras (All Grade Levels)

For safety purposes, video and audio recording equipment is used to monitor student behavior, including on buses and in common areas on campus. Students will not be told when the equipment is being used.

The principal will review the video and audio recordings routinely and document student misconduct. Discipline will be in accordance with the Student Code of Conduct.

In accordance with state law, a parent of a student who receives special education services, a staff member (as this term is defined by law), a principal or assistant principal, or the board may make a written request for the district to place video and audio recording equipment in certain self-contained special education classrooms. The district will provide notice to before placing a video camera in a classroom or other setting in which your child receives special education services. For more information or to request the installation and operation of this equipment, speak with the principal who the district has designated to coordinate the implementation of and compliance with this law.

[See EHBAF(LOCAL).]

Visitors to the School (All Grade Levels)

General Visitors

Parents and others are welcome to visit district schools. For the safety of those within the school and to avoid disruption of instructional time, all visitors must first report to the main office and must comply with all applicable district policies and procedures. When arriving on campus, all parents and other visitors should be prepared to show identification.

Visits to individual classrooms during instructional time are permitted only with approval of the principal and teacher and only so long as their duration or frequency does not interfere with the delivery of instruction or disrupt the normal school environment. Even if the visit is approved prior to the visitor's arrival, the individual must check in at the main office first.

All visitors are expected to demonstrate the highest standards of courtesy and conduct; disruptive behavior will not be permitted.

Unauthorized Persons

In accordance with Education Code 37.105, a school administrator, school resource officer (SRO), or district police officer has the authority to refuse entry or eject a person from district property if the person refuses to leave peaceably on request and:

- The person poses a substantial risk of harm to any person; or
- The person behaves in a manner that is inappropriate for a school setting and the person persists in the behavior after being given a verbal warning that the behavior is inappropriate and may result in refusal of entry or ejection.

Appeals regarding refusal of entry or ejection from district property may be filed in accordance with FNG(LOCAL) or GF(LOCAL).

[See the Student Code of Conduct.]

Visitors Participating in Special Programs for Students

Business, Civic, and Youth Groups

The district may invite representatives from patriotic societies listed in Title 36 of the United States Code to present information to interested students about membership in the society.

Career Day

Throughout the year, the district invites representatives from colleges and universities and other higher education institutions, prospective employers, and military recruiters to present information to interested students.

Volunteers (All Grade Levels)

We appreciate so much the efforts of parent and grandparent volunteers that are willing to serve our district and students. If you are interested in volunteering, please contact Sandy King, Community Outreach Coordinator at 972-923-4631 for more information and to complete an application.

Voter Registration (Secondary Grade Levels Only)

A student who is eligible to vote in any local, state, or federal election may obtain a voter registration application at the main campus office.

Withdrawing from School (All Grade Levels)

When a student under age 18 withdraws from school, the parent or guardian must submit a written request to the principal, specifying the reasons for withdrawal and the final day the student will be in attendance. Withdrawal forms are available from the principal's office.

A student who is age 18 or older, who is married, or who has been declared by a court to be an emancipated minor may withdraw without parental signature.

Please provide the school at least three days' notice of withdrawal so that records and documents may be prepared.

Glossary

Accelerated instruction is an intensive supplemental program designed to address the needs of an individual student in acquiring the knowledge and skills required at his or her grade level and/or as a result of a student not meeting the passing standard on a state-mandated assessment.

ACT, or the American College Test, is one of the two most frequently used college or university admissions examinations. The test may be required for admission to certain colleges or universities.

ACT-Aspire refers to an assessment that took the place of ACT-Plan and is designed as a preparatory and readiness assessment for the ACT. This is usually taken by students in grade 10.

ARD stands for admission, review, and dismissal. The ARD committee convenes for each student who is identified as needing a full and individual evaluation for special education services. The eligible student and his or her parents are members of the committee.

Attendance review committee is responsible for reviewing a student's absences when the student's attendance drops below 90 percent, or in some cases 75 percent, of the days the class is offered. Under guidelines adopted by the board, the committee will determine whether there were extenuating circumstances for the absences and whether the student needs to complete certain conditions to master the course and regain credit or a final grade lost because of absences.

CPS stands for Child Protective Services.

DAEP stands for disciplinary alternative education program, a placement for students who have violated certain provisions of the Student Code of Conduct.

DFPS is the Texas Department of Family Protective Services.

DPS stands for the Texas Department of Public Safety.

EOC (end-of-course) assessments are state-mandated and are part of the STAAR program. Successful performance on EOC assessments are required for graduation. These examinations will be given in English I, English II, Algebra I, Biology, and U.S. History.

ESSA is the federal Every Student Succeeds Act passed in December 2015.

FERPA refers to the federal Family Educational Rights and Privacy Act, which grants specific privacy protections to student records. The law contains certain exceptions, such as for directory information, unless a student's parent or a student 18 or older directs the school not to release directory information.

IEP stands for individualized education program and is the written record prepared by the ARD committee for a student with disabilities who is eligible for special education services. The IEP contains several parts, such as a statement of the student's present educational performance; a statement of measurable annual goals, with short-term objectives; the special education and related services and supplemental aids and services to be provided, and program modifications or support by school personnel; a statement regarding how the student's progress will be

measured and how the parents will be kept informed; accommodations for state or districtwide tests; whether successful completion of state-mandated assessments is required for graduation, etc.

IGC is the individual graduation committee, formed in accordance with state law, to determine a student's eligibility to graduate when the student has failed to demonstrate satisfactory performance on no more than two of the required state assessments.

ISS refers to in-school suspension, a disciplinary technique for misconduct found in the Student Code of Conduct. Although different from out-of-school suspension and placement in a DAEP, ISS removes the student from the regular classroom.

PGP stands for personal graduation plan, which is required for high school students and for any student in middle school who fails a section on a state-mandated test or is identified by the district as not likely to earn a high school diploma before the fifth school year after he or she begins grade 9.

PSAT is the preparatory and readiness assessment for the SAT. It also serves as the basis for the awarding of National Merit Scholarships.

SAT refers to the Scholastic Aptitude Test, one of the two most frequently used college or university admissions examinations. The test may be required for admissions to certain colleges or universities.

SHAC stands for School Health Advisory Council, a group of at least five members, a majority of whom must be parents, appointed by the school board to assist the district in ensuring that local community values and health issues are reflected in the district's health education instruction, along with providing assistance with other student and employee wellness issues.

Section 504 is the federal law that prohibits discrimination against a student with a disability, requiring schools to provide opportunities for equal services, programs, and participation in activities. Unless the student is determined to be eligible for special education services under the Individuals with Disabilities Education Act (IDEA), general education with appropriate instructional accommodations will be provided.

STAAR is the State of Texas Assessments of Academic Readiness, the state's system of standardized academic achievement assessments.

STAAR Alternate 2 is an alternative state-mandated assessment designed for students with severe cognitive disabilities receiving special education services who meet the participation requirements, as determined by the student's ARD committee.

STAAR Spanish is an alternative state-mandated assessment administered to eligible students for whom a Spanish version of STAAR is the most appropriate measure of their academic progress.

State-mandated assessments are required of students at certain grade levels and in specified subjects. Successful performance sometimes is a condition of promotion and passing the STAAR EOC assessments is a condition of graduation. Students have multiple opportunities to take the tests if necessary, for promotion or graduation.

Student Code of Conduct is developed with the advice of the district-level committee and adopted by the board and identifies the circumstances, consistent with law, when a student may be removed from a classroom, campus, or district vehicle. It also sets out the conditions that authorize or require the principal or another administrator to place the student in a DAEP. It outlines conditions for out-of-school suspension and for expulsion. The Student Code of Conduct also addresses notice to the parent regarding a student's violation of one of its provisions.

TAC stands for the Texas Administrative Code.

TELPAS stands for the Texas English Language Proficiency Assessment System, which assesses the progress that English language learners make in learning the English language and is administered for those who meet the participation requirements in kindergarten–grade 12.

TSI stands for the Texas Success Initiative, an assessment designed to measure the reading, mathematics, and writing skills that entering college-level freshmen students should have if they are to be successful in undergraduate programs in Texas public colleges and universities.

TXVSN stands for the Texas Virtual School Network, which provides online courses for Texas students to supplement the instructional programs of public school districts. Courses are taught by qualified instructors, and courses are equivalent in rigor and scope to a course taught in a traditional classroom setting.

UIL refers to the University Interscholastic League, the statewide, voluntary nonprofit organization that oversees educational extracurricular academic, athletic, and music contests.

Appendix: Freedom from Bullying Policy

Student Welfare: Freedom from Bullying

Policy FFI(LOCAL) adopted on December 11, 2017.

Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

Bullying Prohibited

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

Retaliation

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

Reporting Procedures

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report

Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.

Report Format

A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.

Notice of Report

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

Prohibited Conduct

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

Investigation of Report

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

Notice to Parents

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

District Action

Bullying

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.

Discipline

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Corrective Action

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

Transfers

The principal or designee shall refer to FDB for transfer provisions.

Counseling

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

Records Retention

Retention of records shall be in accordance with CPC(LOCAL).

Access to Policy and Procedures

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

Note: School board policies may be revised at any time. For legal context and the most current copy of the local policy, visit

[https://pol.tasb.org/Policy/Download/433?filename=FFI\(LOCAL\).pdf](https://pol.tasb.org/Policy/Download/433?filename=FFI(LOCAL).pdf) Below is the text of Waxahachie ISD's policy FFI(LOCAL) as of the date this handbook was finalized for this school year.

Waxahachie ISD Student Dress Code – 2021-2022 School Year

The Waxahachie Independent School District is committed to providing an excellent educational opportunity for each student in the district. Efforts are made to ensure the highest standards of performance for all Waxahachie ISD students and to promote a safe and secure environment.

The District's dress code is used to promote grooming and hygiene, instill discipline, prevent disruption, help avoid safety hazards, and teach respect for authority. In addition, dress and grooming standards shall promote community values and good citizenship, enhance a safe orderly educational environment, and not infringe on any individual's religious beliefs or protected free speech.

The desire of the district is to present changes in a positive format; however, the most effective manner in which to explain the changes is to list the prohibited dress and/or grooming practices. Even though the Dress Code is restrictive, students continue to have a wide variety of choices. The cooperation of parents and students and the consistent and fair enforcement of this policy by teachers and administrators are essential to the effectiveness of the Code. Students violating the dress code will be assigned disciplinary consequences in accordance *Waxahachie ISD Code of Conduct*.

The campus principal has the final decision as to what constitutes appropriate school attire, including exceptions to the Code made for district and campus spirit days. Administrators shall have the discretion to determine the appropriateness of attire and grooming for religious and/or medical necessities.

The Following Modes of Dress or Grooming Are Prohibited:

General

- Any aspect of a student's appearance, attire or accessories that is likely to distract or disrupt the learning environment, including images or messages that are illegal, inappropriate, lewd, vulgar, sexually suggestive, containing profanity, or promoting violation of school rules (i.e., promoting drugs, tobacco use, alcohol, violence, gangs, death, sex, profanity, or hate)
- Exposed skin or undergarments visible **above mid-thigh**.
- See-through clothing (e.g. thin or mesh) unless worn over appropriate garments.

Shirts, Tops, and Blouses

- Sleeveless shirts or blouses that are not hemmed.
- Spaghetti straps, halter tops, basketball jerseys, tank tops, tube tops, unbuttoned shirts and blouses, and overalls (unless worn over appropriate garments), and strapless tops.
- Exposed midriff or cleavage.
- Backless tops.

Dresses, Skirts, Shorts, and Pants

- Dresses, shorts, skirts, or slits in skirts shorter than **mid-thigh length** and strapless dresses.

- Pants, shorts, and skirts worn below the waist (i.e., “sagging” garments). Students may be required to use an accessory, provided by campus, to ensure that pants are worn at normal waist level.
- Underwear as outerwear or exposed underwear or nightwear.
- Fitted bottoms such as: leggings, leotards, and yoga pants, or worn with only a top, sweater, or dress that is shorter than **mid-thigh length**.
- Athletic shorts that are **mid-thigh length** but are hemmed with a rise on the side of the leg that is above mid-thigh length. (This style of short may be worn with slider style shorts or tights underneath that are at least **mid-thigh length**.)

Outerwear (Coats, Jackets, Coveralls, Etc.) mid-thigh length

- Trench coats or dusters.
- One-piece jump suits.

Accessories

- Piercings: tongue rings, lip rings, eyebrow rings, ear gauges, spacers, facial jewelry such as hoops or rings, visible body piercings or facial decorations. Students may, however, wear one small nose stud or one small nostril ring (not to be worn in the septum - cartilage that separates the two nostrils).
- Chains on clothing or wallets.
- Heavy or spiked jewelry (e.g., dog collars, spiked bracelets or belts, etc.).
- Visible tattoos deemed disruptive or inappropriate (must be covered at all times).
- Headwear: Hats, caps, bandannas, sweatbands or other head coverings. Garments with hoods may not be worn with the hood over the head inside the perimeter of the building during the school day.

Footwear

- Soft-bottom house shoes, bare feet, shoes with metal cleats, or shoes with wheels.

Grooming

- Sunglasses (except with a signed note from the school nurse).
- Hairstyles that are disruptive (e.g., natural Mohawks not to exceed 2” in height when spiked, designs which display inappropriate symbols or messages, etc.)
- Non-natural colored hair or extensions (e.g., green, blue, purple, orange or multi-colored)

Exemptions

Parents or guardians seeking an exemption from the Dress Code for their student must complete a Waxahachie ISD Dress Code Exemption Request Form. This form is available upon request by mail or in person in the main office. The form is also available on the Waxahachie ISD website. The form must be completed in full and returned to the campus principal. The parent or guardian will be asked to discuss with the campus principal the reasons and goal of the policy and the nature of the objections to the Dress Code. This meeting shall be held within ten days after receipt of the form. Based on the information provided in the Exemption Request Form and the interview with the parent, the campus principal will make a determination as to whether the exemption is granted. This decision shall be provided to the

student or parent within ten days following the conference. Parents with more than one student enrolled in the district must fill out a separate Waxahachie ISD Dress Code Exemption Request Form for each student.

Any appeal of the campus principal's decision will be treated as a student/parent or guardian complaint under Waxahachie ISD Board Policy FNG(LOCAL).

Unless otherwise approved by the campus principal, the student must continue to comply with the Waxahachie ISD Dress Code pending the outcome of the Exemption Meeting.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **District of Innovation Amendment Approval**



Background:

Lisa Mott presented information on the District of Innovation amendment during the Public Hearing portion of the meeting.

Recommendation:

That the Board approve the amendment to the WISD District of Innovation Plan.

Waxahachie ISD
BOARD OF TRUSTEES

Date: August 9, 2021

Subject: **District of Innovation Amendment Public Hearing**

Background:

In March of 2017, Waxahachie ISD submitted a plan to the Commissioner of Education to become a District of Innovation. Districts of innovation can access greater local control by seeking exemptions from state legal requirements. The DEIC committee is utilized for providing feedback to district leadership about the exemptions that will benefit our district.

Our plan was accepted by the Commissioner in March of 2017 and Waxahachie became a District of Innovation. At that time our plan included exemptions related to minutes of instruction, first day of instruction, seven-hour school day, school day interruptions and the teacher appraisal process.

The district has since submitted 2 amendments to our plan. On May 13, 2019, we added an exemption for minimum attendance for class credit or final grade. On August 31, 2020 we added an exemption for class size to address COVID related concerns for on-line classrooms.

In July of 2021, the DEIC voted to add an additional exemption for group health benefits to our DOI plan. We have posted the plan with the proposed exemption to our district website for the required 30 days.

Current: Texas Education Code precludes the District from providing alternative Uniform Group Coverage Program once the program of coverages under Chapter 1579, Insurance Code is implemented.

Proposed: By seeking the exception from TEC §22.004, the district would have increased local control of the group health benefits plan to allow the District to be responsive to employee needs

Our District of Innovation plan will be valid through the 2022-23 school year

Recommendation:

The Board will be asked to approve the amendment to the WISD District of Innovation Plan under Consent Agenda.



District of Innovation Designation:
Creating Choice to Ensure Student Success

Amendments

Board Approval August 31, 2020

Board Approval: May 13, 2019

Original

Board Approval: March 20, 2017

Term of Designation: 2017 through 2022

Waxahachie ISD's Vision

Waxahachie ISD will support and empower our community of learners for success in the 21st century.

Waxahachie ISD's Mission Statement

Continuing our tradition of "Excellence in Education," the mission of the Waxahachie Independent School District is to develop, through a cooperative effort with the home and community, well-educated, responsible citizens who can excel in a complex world.

Waxahachie ISD's Beliefs

During the fall of 2016, WISD designed a strategic plan for the future that allows all learners to step confidently into their futures, equipped to contribute and thrive in a dynamic world. In WISD, we believe that:

- meaningful engagement and relationship building are essential for student success.
- students have *unique* qualities and deserve a *unique* education.
- parents, educators, and the community guide each student in designing and fulfilling his/her educational vision.
- every student deserves the opportunity to learn through success, failure and discovery.
- change and growth best occur in a stimulating and innovative learning environment.
- students learning to voice their individual thoughts is imperative for progress in both themselves and the community.
- all students deserve to be taught by highly effective teachers who are committed to professional growth and passionate about learner success.

Beginning a Time of Choice

In the summer of 2015, the 84th Texas Legislature passed HB 1842, allowing public school districts to become Districts of Innovation in order to gain exemption from certain provisions of the Texas Education Code that apply to Texas public schools. In order to be eligible for the District of Innovation designation, a district must have a "met standard" rating or higher for the current school year. As a district that has continuously maintained an accountability rating at or above state expectation, Waxahachie ISD qualifies for this designation.

On Monday, October 10, 2016, the Waxahachie ISD Board of Trustees became familiar with the benefits of gaining the District of Innovation status under HB 1842 and began to study the benefit of securing this designation for the district under TEC §12A.002. On November 14, 2016, the Waxahachie ISD Board of Trustees held a public hearing during the regularly scheduled board meeting to gather input on becoming a District of Innovation from community stakeholders. The unanimous decision to pass a resolution was made by the Board of Trustees to establish an Innovation Plan committee to explore district needs and develop a plan for innovation that best fit the needs of Waxahachie ISD.

WISD Timeline for Seeking District of Innovation Status

- ☐ *October 10, 2016, Waxahachie /SD Boardroom*
 - o Board of Trustees received information related to District of Innovation process
- ☐ *November 14, 2016, Waxahachie /SD Boardroom*
 - o Regular Board Meeting
 - o Board of Trustees approves a resolution to hold public hearing for District of Innovation
 - o Public hearing held for District of Innovation
 - o Board of Trustees unanimously approved appointment of local District of Innovation committee
- ☐ *November 2016 - March 2017, Waxahachie /SD*
 - o District completes strategic planning process
- ☐ *January 26, 2017, 4:15 - 6:15 PM, WISD Administration Building*
 - o Initial meeting of the District Innovation Committee
 - o Review plan options and determine areas for research
- ☐ *February 9, 2017, 4:15 - 6:15 PM, WISD Administration Building*
 - o 2nd meeting of the District Innovation Committee
 - o Develop district plan focused on innovation needed to provide high quality education
- ☐ *February 17, 2017, Waxahachie /SD Website*
 - o Post the District of Innovation plan on the district website for 30 days for public commentary and review
- ☐ *February 21 - March 20, 2017, Waxahachie, Texas*
 - o Present plan to district and community stakeholders
 - o Promote plan and encourage review of resources by all stakeholders
- ☐ *March 20, 2016, Waxahachie /SD Boardroom*
 - o Public Meeting will be held to present Waxahachie ISD District of Innovation Plan by Innovation committee members
 - o Regular Board of Trustees Meeting
 - Review and consideration to approve District of Innovation Plan
 - Review and consideration to approve 2017-2018 WISD Academic Calendar

Amendment

- ☐ *May 13, 2019, Waxahachie /SD Boardroom*
 - o Regular Board Meeting
 - o Board of Trustees approves a resolution to hold public hearing for District of Innovation
 - o Public hearing held for District of Innovation Amendment
 - o Board of Trustees unanimously approved appointment of local District of Innovation committee

Span of Local Plan

This Comprehensive Local Innovation Plan shall remain in effect for a period of five years, to include a span of years from 2017-2022 unless terminated by the commissioner pursuant to TEC §12. A.008.

Waxahachie ISD Innovation Committee Members

<u>Name</u>	<u>Relationship to District</u>
Viana Armstrong	Bilingual and ESL Coordinator
Shelle Blaylock	Assistant Superintendent of Leadership and Academics
Theresa Burkhalter	Principal, Shackelford Elementary
Amy Carpenter	Teacher, Waxahachie High School
Allison Frary	Secondary Math Coordinator
Debbie Gish	Asst. Principal, Waxahachie High School
Melanie Harbour-Pope	Dyslexia Coordinator
Carrie Kazda	Principal, Felty Elementary
Paul Kuhn	Grandparent, Howard Jr. High PTO President
Rollin Mayes	Teacher, Global High School
Jennifer Meinzer	Teacher, Clift Elementary
Lisa Mott	Director of Curriculum and Instruction
Jacob Perry	Principal, Howard Junior High Teacher,
Michelle Scott	Challenge Academy
Madeline Trevino	Parent

Areas of Innovation

Waxahachie ISD is committed to the continued academic success and well-being of every student and strives to provide a choice to families seeking an educational destination for their children beyond traditional "one-size fits all" educational experiences. The focus of this exploration was to expand the possibilities by applying innovative strategies in areas of regulation that restrict local control while maintaining the strong educational principles and practices that have been the standard in Waxahachie ISD.

The following statutes were found to be of benefit to the students and staff of the district by enhancing the local decision-making process and maintaining a focus on the community:

- Minute s of Instruction [TEC §25.081]
- First Day of Instruction [TEC §25.0811]
- Seven Hour School Day [TEC §25.082]
- School Day Interruptions [TEC §25.083]
- Teacher Appraisal Process [TEC §21.352]

Below is a summary of the goals for each category. A detailed explanation of the specific components and the Texas Education Code that corresponds to the category follow.

Minutes of Instruction §25.081

Current: Texas Education Code requires that each school district must operate so that the district provides for at least 75,600 minutes of instruction, including intermissions and recesses, for students.

Proposed: WISD strives to educate students in a manner that accentuates learning in a diverse learning environment. Although this expectation will remain the operating standard for the majority of campuses in the district, the committee has determined an immediate need to alter instructional formats for areas such as pre-kindergarten and alternative education campuses and to make learning personalized for students. Relief from this expectation is critical to allow local decision making toward creative solutions that best meet students' diverse learning needs.

First Day of Instruction §25.0811

Current: Texas Education Code requires that a school district may not begin instruction for students for a school year before the fourth Monday in August, unless a year round school program is offered.

Proposed: Through the district of innovation investigation process, our community has communicated a desire to have flexibility in deciding when the school year begins. By having a flexible start date, students will experience more balanced semesters, alignment with higher education entities, and varied options for valuable time away from school to support a community and family focus. In addition, the committee will explore the benefits of a shortened transition into the school year to allow students, families and staff to best prepare for the year ahead.

Seven Hour School Day §25.082

Current: Texas Education Code requires that a school day shall be at least seven hours each day, including intermissions and recesses.

Proposed: WISD strategic planning committee discovered local needs for timely professional development that is provided throughout the year, rather than loaded at the beginning and end of the academic calendar. Through staff and community feedback, this is found to be an unfavorable method of training, when used as the sole method of delivery, with a reduced impact on instruction and student achievement. In addition, the district seeks local control to adjust the length of the school day to accommodate additional professional development and innovative learning opportunities not accomplished within a traditional seven-hour school day. The district seeks to have alternatives in planning instructional days for students while still maintaining a standard of 75,600 minutes during a school year.

School Day Interruptions §250.83

Current: Texas Education Code requires that a board of trustees must develop a policy that must limit announcements other than emergency announcements to once during the school day. In addition, the district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another

person standing in parental relation to the student provides to the district written consent for removal from class for such purpose.

Proposed: For greater flexibility and opportunities to make decisions on how best to structure school days and individualize instruction, WISD seeks to award this discretion to campus and district administration in an effort to ensure that decision points put students' and campus needs first. WISD seeks to provide settings where student growth can occur in an innovative environment. To accomplish this expectation, the committee seeks opportunities to provide altered instructional days and to create flexible scheduling opportunities. Both results allow instructional decisions to be made in response to current student performance data; therefore, reducing learning gaps.

Teacher Appraisal Process §21.352

Current: Texas Education Code requires the commissioner to adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. The criteria must be based on observable, job-related behavior, including: (1) teachers' implementation of discipline management procedures; and (2) the performance of teachers' students. In appraising teachers, each school district shall use the appraisal process and performance criteria developed by the commissioner.

Proposed: The district is seeking flexibility within the recommended appraisal process and performance criteria for teachers and staff evaluated using the appraisal system Texas Teacher Evaluation and Support System (T-TESS). The district seeks to continue to utilize T-TESS as the teacher appraisal instrument, while seeking exemption from the Student Growth Measure. Data provided from district and campus local assessments will continue to be utilized following the current district assessment model.

May 2019

Amendment to WISD District of Innovation Plan

Background:

Waxahachie ISD is committed to the continued academic success and the well-being of every student and strives to provide comprehensive course instruction throughout the duration of the school year. At this time, the District is seeking to amend the current plan as stated below by following the required state timelines and committee process.

Amended Area of Innovation

Minimum Attendance for Class Credit or Final Grade (90 % Rule)

[FEC LOCAL] [TEC §25.092]

Current: TEC§ 25.092 states that a student in any grade level from kindergarten through grade twelve may not be given credit or final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

A district of innovation may replace the 90 percent attendance rule with a more localized standard for issuing class credit or final grade. Attendance in each class is critical to ensure that students master the standards of instruction to the level required by the state. (Note: This does not release the district from compulsory attendance **laws.**)

Proposed: The district is requesting an exemption to the current requirement for students to meet the 90 percent attendance rule. This flexibility is critical to the success of high school students in the classes of 2019 and 2020. It will ensure that each student has the best opportunity to meet state expectations and to achieve graduation based on mastery rather than seat time. This will allow the district the opportunity to best address each students' needs at the local level.

July 2020

Amendment to WISD District of Innovation Plan

Background:

As the district is preparing for in-person and on-line instruction this fall, we foresee the need for additional flexibility within K-4 classrooms. We anticipate students moving back and forth between on-line and in-person instruction. There may be times when our on-line classrooms will exceed 22 students in K-4 as we transition students. The district will strive to remain within the current guidelines as much as possible; however, we would like flexibility to meet the instructional needs of our students and staff. The DEIC committee received communication about the proposed amendment on July 16. The committee had time to provide feedback and vote for or against the proposal through July 23, 2020. The committee approve the amendment by a 2/3 majority vote. The original DOI plan and proposed amendment was posted on the district website for 30 days beginning July 28, 2020. On August 31, 2020, the WISD school board voted to approve the amendment to the DOI plan.

Amended Areas of Innovation

Class Size TEC §25.112

Current: Texas Education Code limits the number of students in grades Kindergarten through 4th grade to 22. While the maximum number of students in K-4 classrooms may be addressed by a state waiver, the waivers must be applied for annually.

Proposed: By seeking the exception from TEC §25.112, the district would have flexibility for all campuses and classrooms for the duration of the District of Innovation Designation and would not be required to seek waivers annually. While the District intends to remain within the guidelines of the current education code as much as possible, the District seeks flexibility to provide the best learning environment for our K-4 students, including more flexibility when teaching, creative ways of delivering instruction, different types of instructional delivery and the ability to manage increases in class sizes.

Notice of Class Size TEC §25.113

Current: Texas Education Code requires districts to notify each parent in the class section that exceeds the 22:1 ratio, and inform them when a waiver has been submitted.

Proposed: In the event a classroom exceeds the 22:1 ratio in grades K-4, the class sizes will be reviewed by appropriate district and campus administration. The Board of Trustees will be informed of K-4 classes that exceed 22:1. TEA waivers and parent notification for class sizes in grades K-4 exceeding 22 will not be required.

June 2021

Proposed Amendment to WISD District of Innovation Plan

Background:

At this time, the District does not have flexibility in the design of group health insurance benefits to fit the needs of all Waxahachie ISD employees. The District is prohibited from procuring group health insurance benefits that may provide better coverages for its employees and at a lower cost. The District is seeking to amend the current District of Innovation plan as stated below by following the required state timelines and committee process.

Amended Area of Innovation

Preclusion from Providing Alternative Uniform Group Coverage TEC §22.004

Current: Texas Education Code precludes the District from providing alternative Uniform Group Coverage Program once the program of coverages under Chapter 1579, Insurance Code is implemented.

Proposed: By seeking the exception from TEC §22.004, the district would have increased local control of the group health benefits plan to allow the District to be responsive to employee needs.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

-

Subject: **Minutes of July Meetings**

Background:

The following minutes are included for the Board:

- July 1, 2021 Special Meeting
- July 12, 2021 Special Meeting
- July 12, 2021 Regular Meeting
- July 13, 2021 Special Meeting
- July 20, 2021 Special Meeting

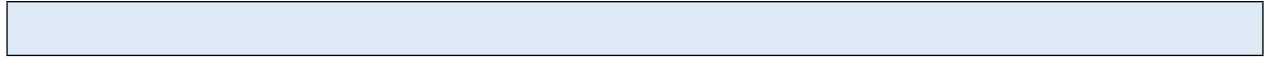
Recommendation:

The minutes listed above be approved as presented.

Waxahachie ISD
BOARD OF TRUSTEES

Date: August 9, 2021

Subject: Budget and Finance



Background:

General Operating Cash Position Report, Cash Projection Reports, followed by report showing cash position for multiple funds including G/O, I&S, Capital Projects and Enterprise Funds. Investment Reports for all funds included. Revenue and Expense reports shown by summary and by function and object.

Recommendation:

Review and approve the monthly Financial Reports as presented.

**GENERAL OPERATING
CASH POSITION
AS OF JUNE 2021**

Actual Invested Funds:	\$30,404,410.34
Actual Cash Balance:	<u>\$ 858,854.88</u>

Total Cash Balance (June 30th): \$31,263,265.22

Estimated July 21 Tax Revenue:	\$ 176,500.00
Estimated July 21 State/Other Revenue:	\$ 6,190,300.00
Estimated July 21 Payroll Expenses:	\$ -6,879,400.00
Estimated July 21 A/P Expenses:	<u>\$ -1,795,800.00</u>

Projected Cash Balance end (July 31st): \$28,954,865.22

There are no anticipated cash flow problems for the District.

GENERAL OPERATING REVENUE AND EXPENSE PROJECTIONS 2020-21
(updated monthly with actuals)

Projected 2020-21 Cashflow

	September	October	November	December	January	February	March	April	May	June	July	August	TOTALS
Beginning Balance	\$ 24,436,155	\$ 26,948,781	\$ 26,601,925	\$ 25,327,692	\$ 39,641,788	\$ 45,518,804	\$ 48,975,835	\$ 43,803,631	\$ 40,166,130	\$ 33,854,497	\$ 31,263,265	\$ 28,954,865	
Local Tax Revenue	\$ 95,974	\$ 103,279	\$ 2,326,594	\$ 21,070,729	\$ 12,781,788	\$ 10,594,835	\$ 1,874,294	\$ 679,857	\$ 107,931	\$ 306,501	\$ 176,500	\$ 75,650	\$ 50,193,943
State/Other Revenue	\$ 11,245,653	\$ 8,024,173	\$ 4,277,023	\$ 1,251,598	\$ 774,842	\$ 217,701	\$ 1,169,697	\$ 4,697,575	\$ 2,429,718	\$ 5,514,041	\$ 6,190,300	\$ 7,266,500	\$ 53,058,822
													\$ 103,252,764
Payroll Expenses	\$ (6,511,776)	\$ (6,594,386)	\$ (6,641,865)	\$ (6,981,157)	\$ (6,580,870)	\$ (6,545,690)	\$ (6,552,415)	\$ (7,554,457)	\$ (6,689,176)	\$ (6,502,079)	\$ (6,879,400)	\$ (6,750,300)	\$ (80,783,570)
Accounts Payable	\$ (2,317,225)	\$ (1,879,921)	\$ (1,235,984)	\$ (1,027,074)	\$ (1,098,756)	\$ (809,816)	\$ (1,663,779)	\$ (1,460,476)	\$ (2,160,105)	\$ (1,909,696)	\$ (1,795,800)	\$ (3,093,580)	\$ (20,452,212)
Ending Balance	\$ 26,948,781	\$ 26,601,925	\$ 25,327,692	\$ 39,641,788	\$ 45,518,804	\$ 48,975,835	\$ 43,803,631	\$ 40,166,130	\$ 33,854,497	\$ 31,263,265	\$ 28,954,865	\$ 26,453,135	\$ (101,235,782)

GENERAL OPERATING REVENUE AND EXPENSE PROJECTIONS 2020-21
(original projections)

Projected 2020-21 Cashflow

	September	October	November	December	January	February	March	April	May	June	July	August	TOTALS
Beginning Balance	\$ 24,436,155	\$ 25,694,005	\$ 26,564,844	\$ 26,418,144	\$ 40,870,944	\$ 52,326,619	\$ 48,808,219	\$ 42,282,189	\$ 38,120,289	\$ 32,726,589	\$ 29,146,739	\$ 26,838,339	
Local Tax Revenue	\$ 475,300	\$ 875,300	\$ 3,475,600	\$ 21,750,400	\$ 18,760,300	\$ 3,780,400	\$ 550,400	\$ 235,400	\$ 176,500	\$ 145,900	\$ 176,500	\$ 75,650	\$ 50,477,650
State/Other Revenue	\$ 9,152,700	\$ 8,415,300	\$ 4,922,500	\$ 1,364,100	\$ 1,185,375	\$ 1,185,300	\$ 1,214,170	\$ 4,023,700	\$ 2,960,600	\$ 4,970,200	\$ 6,190,300	\$ 7,266,500	\$ 52,850,745
													\$ 103,328,395
Payroll Expenses	\$ (6,575,800)	\$ (6,750,300)	\$ (6,759,400)	\$ (6,975,800)	\$ (6,691,700)	\$ (6,740,300)	\$ (6,750,300)	\$ (6,780,500)	\$ (6,790,500)	\$ (6,800,350)	\$ (6,879,400)	\$ (6,750,300)	\$ (81,244,650)
Accounts Payable	\$ (1,794,350)	\$ (1,669,450)	\$ (1,785,400)	\$ (1,685,900)	\$ (1,798,300)	\$ (1,743,800)	\$ (1,540,300)	\$ (1,640,500)	\$ (1,740,300)	\$ (1,895,600)	\$ (1,795,800)	\$ (1,975,800)	\$ (21,065,500)
Ending Balance	\$ 25,694,005	\$ 26,564,855	\$ 26,418,144	\$ 40,870,944	\$ 52,326,619	\$ 48,808,219	\$ 42,282,189	\$ 38,120,289	\$ 32,726,589	\$ 29,146,739	\$ 26,838,339	\$ 25,454,389	\$ (102,310,150)

Projections based on these assumptions:

The beginning balance is based on the adjusted 8/31/20 cash balance of \$449,356.98 plus the actual invested balance of \$23,986,797.90.

Tax revenue is based on total taxes budgeted for 20-21 and divided per month based on 19-20 collections.

Tax revenue includes General Operating only - not I&S, and includes budgeted amount for current, delinquent and penalties.

State/Other revenue based on budgeted revenue for General Operating and Federal/State Special Programs.

These projections do not include Child Nutrition, Lighthouse for Learning, Child Care Center, Student Activity

or Campus Activity, Interest and Sinking or Capital Projects - which all have separate bank accounts.

Payroll expenses are based on September's actual payroll expense and certain fluctuations anticipated throughout the 20-21 year - including substitutes and retiree payoffs.

Accounts payable amounts for September are actual. October through August are projected amounts. These projections only include General Operating and Federal/State Special Programs.

WAXAHACHIE INDEPENDENT SCHOOL DISTRICT
CASH POSITION
FOR THE PERIOD ENDED
JUNE 2021

	<u>LOCAL MAIN</u>	<u>I & S</u>	<u>OSCB ESCROW</u>	<u>CAPITAL</u>	<u>ENTERPRISE</u>	<u>TOTAL</u>
Beginning Balances	\$ 705,866.65	\$ 372,450.84		\$ 285,328.11	\$1,991,039.76	\$ 3,354,685.36
Add: Deposits	\$ 8,564,762.38	\$ 3.92		\$ 109,793.53	\$32,613.36	\$ 8,707,173.19
Less: Disbursements	<u>\$ (8,411,774.15)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (105,645.63)</u>	<u>\$-188,303.38</u>	<u>\$ (8,705,723.16)</u>
Ending Balances	\$ 858,854.88	\$ 372,454.76	\$ -	\$ 289,476.01	\$1,835,349.74	\$ 3,356,135.39
Add: Investments	\$ 30,404,410.34	\$ 15,738,118.69	\$ 1,550,024.56	\$ 228,540.73	\$0.00	\$ 47,921,094.32
TOTALS	\$ 31,263,265.22	\$ 16,110,573.45	\$ 1,550,024.56	\$ 518,016.74	\$1,835,349.74	\$ 51,277,229.71

PERCENTAGE OF CURRENT YEAR REVENUES
General Operating and Interest & Sinking

	<u>Total Levy</u> (Budgeted)	<u>6/30/2021</u>	<u>Percentage</u>
2019-20 Tax Collections			
Current	\$ 65,922,774	64,954,454.83	98.53%
Prior Yr. Delinquent	\$ 390,000	464,917.69	119.21%
Penalties	\$ 330,000	296,905.31	89.97%
2020-21 Tax Collections			
Current	\$ 69,389,090	68,852,549.42	99.23%
Prior Yr. Delinquent	\$ 390,000	475,360.70	121.89%
Penalties	\$ 330,000	392,369.19	118.90%
2019-20 Other Revenue	\$ 47,947,290	38,210,935.61	79.69%
2020-21 Other Revenue	\$ 50,228,878	33,686,881.82	67.07%
2019-20 Total Revenue	\$ 114,590,064	103,927,213.44	90.69%
2020-21 Total Revenue	\$ 120,337,968	103,407,161.13	85.93%

WAXAHACHIE INDEPENDENT SCHOOL DISTRICT INVESTMENT PORTFOLIO

DATE	FUND	TYPE	DESCRIPTION	PUR.AMT.	MATURITY	RATE	YIELD	COST	PROJ. INT.	PAR
6/1/2021	G/O	POOL	TASB LONE STAR	\$32,167,292.42	**6/30/2021		0.005	\$32,167,292.42	\$134.84	\$32,167,427.26
6/1/2021	G/O	POOL	TEX-POOL	\$981,338.53	**6/30/2021		0.010	\$981,338.53	\$8.50	\$981,347.03
6/3/2021	G/O	POOL	TASB LONE STAR	-\$190,697.23	withdrawal			-\$190,697.23	\$0.00	-\$190,697.23
6/3/2021	G/O	POOL	TASB LONE STAR	-\$520,379.04	withdrawal			-\$520,379.04	\$0.00	-\$520,379.04
6/3/2021	G/O	POOL	TASB LONE STAR	-\$12,487.56	withdrawal			-\$12,487.56	\$0.00	-\$12,487.56
6/3/2021	G/O	POOL	TASB LONE STAR	-\$7,639.01	withdrawal			-\$7,639.01	\$0.00	-\$7,639.01
6/3/2021	G/O	POOL	TASB LONE STAR	-\$31,640.20	withdrawal			-\$31,640.20	\$0.00	-\$31,640.20
6/3/2021	G/O	POOL	TASB LONE STAR	-\$169,018.62	withdrawal			-\$169,018.62	\$0.00	-\$169,018.62
6/3/2021	G/O	POOL	TASB LONE STAR	-\$18,456.94	withdrawal			-\$18,456.94	\$0.00	-\$18,456.94
6/3/2021	G/O	POOL	TASB LONE STAR	-\$8,332.90	withdrawal			-\$8,332.90	\$0.00	-\$8,332.90
6/4/2021	G/O	POOL	TASB LONE STAR	\$22,795.55	**6/30/2021	0.005	0.005	\$22,795.55	\$0.08	\$22,795.63
6/7/2021	G/O	POOL	TASB LONE STAR	\$4,821.29	**6/30/2021	0.005	0.005	\$4,821.29	\$0.02	\$4,821.31
6/8/2021	G/O	POOL	TASB LONE STAR	\$2,227.95	**6/30/2021	0.005	0.005	\$2,227.95	\$0.01	\$2,227.96
6/9/2021	G/O	POOL	TASB LONE STAR	\$16,145.29	**6/30/2021	0.005	0.005	\$16,145.29	\$0.05	\$16,145.34
6/10/2021	G/O	POOL	TASB LONE STAR	\$72,392.98	**6/30/2021	0.005	0.005	\$72,392.98	\$0.20	\$72,393.18
6/10/2021	G/O	POOL	TASB LONE STAR	-\$33,539.17	withdrawal			-\$33,539.17	\$0.00	-\$33,539.17
6/10/2021	G/O	POOL	TASB LONE STAR	-\$33,539.17	withdrawal			-\$33,539.17	\$0.00	-\$33,539.17
6/10/2021	G/O	POOL	TASB LONE STAR	-\$69,725.63	withdrawal			-\$69,725.63	\$0.00	-\$69,725.63
6/10/2021	G/O	POOL	TASB LONE STAR	-\$21,470.26	withdrawal			-\$21,470.26	\$0.00	-\$21,470.26
6/10/2021	G/O	POOL	TASB LONE STAR	-\$23,070.39	withdrawal			-\$23,070.39	\$0.00	-\$23,070.39
6/10/2021	G/O	POOL	TASB LONE STAR	-\$16,980.55	withdrawal			-\$16,980.55	\$0.00	-\$16,980.55
6/10/2021	G/O	POOL	TASB LONE STAR	-\$10,000.00	withdrawal			-\$10,000.00	\$0.00	-\$10,000.00
6/11/2021	G/O	POOL	TASB LONE STAR	\$14,445.65	**6/30/2021	0.005	0.005	\$14,445.65	\$0.04	\$14,445.69
6/11/2021	G/O	POOL	TASB LONE STAR	\$52,876.66	**6/30/2021	0.005	0.005	\$52,876.66	\$0.14	\$52,876.80
6/11/2021	G/O	POOL	TASB LONE STAR	\$15,055.91	**6/30/2021	0.005	0.005	\$15,055.91	\$0.04	\$15,055.95
6/11/2021	G/O	POOL	TASB LONE STAR	\$174,716.97	**6/30/2021	0.005	0.005	\$174,716.97	\$0.45	\$174,717.42
6/11/2021	G/O	POOL	TASB LONE STAR	\$996.85	**6/30/2021	0.005	0.005	\$996.85	\$0.00	\$996.85
6/11/2021	G/O	POOL	TASB LONE STAR	\$7,426.15	**6/30/2021	0.005	0.005	\$7,426.15	\$0.02	\$7,426.17
6/11/2021	G/O	POOL	TASB LONE STAR	\$19,301.21	**6/30/2021	0.005	0.005	\$19,301.21	\$0.05	\$19,301.26
6/11/2021	G/O	POOL	TASB LONE STAR	\$4,325.38	**6/30/2021	0.005	0.005	\$4,325.38	\$0.01	\$4,325.39
6/11/2021	G/O	POOL	TASB LONE STAR	\$844,526.00	**6/30/2021	0.005	0.005	\$844,526.00	\$2.20	\$844,528.20
6/11/2021	G/O	POOL	TASB LONE STAR	\$2,042.40	**6/30/2021	0.005	0.005	\$2,042.40	\$0.01	\$2,042.41
6/11/2021	G/O	POOL	TASB LONE STAR	\$6,167.74	**6/30/2021	0.005	0.005	\$6,167.74	\$0.02	\$6,167.76
6/11/2021	G/O	POOL	TASB LONE STAR	\$10,000.73	**6/30/2021	0.005	0.005	\$10,000.73	\$0.03	\$10,000.76
6/14/2021	G/O	POOL	TASB LONE STAR	\$12,771.55	**6/30/2021	0.005	0.005	\$12,771.55	\$0.03	\$12,771.58
6/15/2021	G/O	POOL	TASB LONE STAR	-\$248,512.59	withdrawal			-\$248,512.59	\$0.00	-\$248,512.59
6/15/2021	G/O	POOL	TASB LONE STAR	\$19,507.46	**6/30/2021	0.005	0.005	\$19,507.46	\$0.04	\$19,507.50
6/16/2021	G/O	POOL	TASB LONE STAR	\$6,827.68	**6/30/2021	0.005	0.005	\$6,827.68	\$0.01	\$6,827.69
6/17/2021	G/O	POOL	TASB LONE STAR	\$2,438.08	**6/30/2021	0.005	0.005	\$2,438.08	\$0.00	\$2,438.08
6/18/2021	G/O	POOL	TASB LONE STAR	\$14,176.66	**6/30/2021	0.005	0.005	\$14,176.66	\$0.02	\$14,176.68
6/18/2021	G/O	POOL	TASB LONE STAR	\$174,299.27	**6/30/2021	0.005	0.005	\$174,299.27	\$0.29	\$174,299.56
6/21/2021	G/O	POOL	TASB LONE STAR	-\$15,561.67	withdrawal			-\$15,561.67	\$0.00	-\$15,561.67
6/21/2021	G/O	POOL	TASB LONE STAR	-\$56,039.49	withdrawal			-\$56,039.49	\$0.00	-\$56,039.49

**Pool interest calculated on a per month basis using month end balance.

WAXAHACHIE INDEPENDENT SCHOOL DISTRICT INVESTMENT PORTFOLIO

DATE	FUND	TYPE	DESCRIPTION	PUR.AMT.	MATURITY	RATE	YIELD	COST	PROJ. INT.	PAR
6/21/2021	G/O	POOL	TASB LONE STAR	-\$ 94,419.95	withdrawal			-\$ 94,419.95	\$0.00	-\$94,419.95
6/21/2021	G/O	POOL	TASB LONE STAR	-\$ 13,819.15	withdrawal			-\$ 13,819.15	\$0.00	-\$13,819.15
6/21/2021	G/O	POOL	TASB LONE STAR	\$ 2,759.94	**6/30/2021	0.005	0.005	\$ 2,759.94	\$0.00	\$2,759.94
6/22/2021	G/O	POOL	TASB LONE STAR	\$ 988.61	**6/30/2021	0.005	0.005	\$ 988.61	\$0.00	\$988.61
6/23/2021	G/O	POOL	TASB LONE STAR	\$ 1,017.96	**6/30/2021	0.005	0.005	\$ 1,017.96	\$0.00	\$1,017.96
6/24/2021	G/O	POOL	TASB LONE STAR	-\$ 5,963,259.57	withdrawal			-\$ 5,963,259.57	\$0.00	-\$5,963,259.57
6/24/2021	G/O	POOL	TASB LONE STAR	\$ 11,874.52	**6/30/2021	0.005	0.005	\$ 11,874.52	\$0.01	\$11,874.53
6/24/2021	G/O	POOL	TASB LONE STAR	-\$ 46,009.35	withdrawal			-\$ 46,009.35	\$0.00	-\$46,009.35
6/24/2021	G/O	POOL	TASB LONE STAR	-\$ 102,092.67	withdrawal			-\$ 102,092.67	\$0.00	-\$102,092.67
6/24/2021	G/O	POOL	TASB LONE STAR	-\$ 20,286.18	withdrawal			-\$ 20,286.18	\$0.00	-\$20,286.18
6/25/2021	G/O	POOL	TASB LONE STAR	\$ 4,048,771.00	**6/30/2021	0.005	0.005	\$ 4,048,771.00	\$2.77	
6/29/2021	G/O	POOL	TASB LONE STAR	\$ 32,333.64	**6/30/2021	0.005	0.000	\$ 32,333.64	\$0.00	
6/30/2021	G/O	POOL	TASB LONE STAR	-\$ 281,345.76	withdrawal			-\$ 281,345.76	\$0.00	
6/30/2021	G/O	POOL	TASB LONE STAR	\$ 10,029.58	**6/30/2021	0.005	0.005	\$ 10,029.58	\$0.00	
6/30/2021	G/O	POOL	TASB LONE STAR	-\$ 6,601.43	withdrawal			-\$ 6,601.43	\$0.00	
6/30/2021	G/O	POOL	TASB LONE STAR	-\$ 31,742.48	withdrawal			-\$ 31,742.48	\$0.00	
6/30/2021	G/O	POOL	TASB LONE STAR	-\$ 64,473.74	withdrawal			-\$ 64,473.74	\$0.00	
6/30/2021	G/O	POOL	TASB LONE STAR	-\$ 279,233.67	withdrawal			-\$ 279,233.67	\$0.00	
6/30/2021	G/O	POOL	TASB LONE STAR	-\$ 20,995.60	withdrawal			-\$ 20,995.60	\$0.00	
6/30/2021	G/O	POOL	TASB LONE STAR	\$ 131.27	interest			\$ 131.27	\$0.00	
6/30/2021	G/O	POOL	TEX-POOL	\$ 10.50	interest			\$ 10.50	\$0.00	
7/1/2021	G/O	POOL	TASB LONE STAR	\$ 3,224.60	in transit			\$ 3,224.60	\$0.00	
7/2/2021	G/O	POOL	TASB LONE STAR	\$ 33,758.00	in transit			\$ 33,758.00	\$0.00	
7/6/2021	G/O	POOL	TASB LONE STAR	\$ 21,964.33	in transit			\$ 21,964.33		
			SUB-TOTAL:	\$ 30,404,410.34				\$ 30,404,410.34		
6/1/2021	I&S	POOL	TASB-LONE STAR	\$15,618,410.03	**6/30/2021	0.005	0.005	\$15,618,410.03	\$64.19	\$15,618,474.22
6/4/2021	I&S	POOL	TASB-LONE STAR	\$ 8,741.45	**6/30/2021	0.005	0.005	\$ 8,741.45	\$0.03	\$8,741.48
6/7/2021	I&S	POOL	TASB-LONE STAR	\$ 1,879.11	**6/30/2021	0.005	0.005	\$ 1,879.11	\$0.01	\$1,879.12
6/8/2021	I&S	POOL	TASB-LONE STAR	\$ 884.57	**6/30/2021	0.005	0.005	\$ 884.57	\$0.00	\$884.57
6/9/2021	I&S	POOL	TASB-LONE STAR	\$ 6,245.93	**6/30/2021	0.005	0.005	\$ 6,245.93	\$0.02	\$6,245.95
6/10/2021	I&S	POOL	TASB-LONE STAR	\$ 28,203.00	**6/30/2021	0.005	0.005	\$ 28,203.00	\$0.08	\$28,203.08
6/11/2021	I&S	POOL	TASB-LONE STAR	\$ 5,646.58	**6/30/2021	0.005	0.005	\$ 5,646.58	\$0.01	\$5,646.59
6/14/2021	I&S	POOL	TASB-LONE STAR	\$ 4,969.07	**6/30/2021	0.005	0.005	\$ 4,969.07	\$0.01	\$4,969.08
6/15/2021	I&S	POOL	TASB-LONE STAR	\$ 7,479.07	**6/30/2021	0.005	0.005	\$ 7,479.07	\$0.02	\$7,479.09
6/16/2021	I&S	POOL	TASB-LONE STAR	\$ 2,639.82	**6/30/2021	0.005	0.005	\$ 2,639.82	\$0.01	\$2,639.83
6/17/2021	I&S	POOL	TASB-LONE STAR	\$ 935.97	**6/30/2021	0.005	0.005	\$ 935.97	\$0.00	\$935.97
6/18/2021	I&S	POOL	TASB-LONE STAR	\$ 5,454.61	**6/30/2021	0.005	0.005	\$ 5,454.61	\$0.01	\$5,454.62
6/21/2021	I&S	POOL	TASB-LONE STAR	\$ 1,063.63	**6/30/2021	0.005	0.005	\$ 1,063.63	\$0.00	\$1,063.63
6/22/2021	I&S	POOL	TASB-LONE STAR	\$ 386.69	**6/30/2021	0.005	0.005	\$ 386.69	\$0.00	\$386.69

**Pool interest calculated on a per month basis using month end balance.

WAXAHACHIE INDEPENDENT SCHOOL DISTRICT INVESTMENT PORTFOLIO

DATE	FUND	TYPE	DESCRIPTION	PUR.AMT.	MATURITY	RATE	YIELD	COST	PROJ. INT.	PAR

FC OBJ	2020-21		Encumbered		2020-21		2020-21		2020-21		2020-21	
	FYTD Activity	Amount	Original Budget	Revised Budget	Unencumbered Balance	FYTD	Unencumbered Balance	FYTD	Unencumbered Balance	FYTD	Unencumbered Balance	FYTD
00 LOCAL/INTER. SOURCES	50,735,159.19	0.00	51,518,443	51,526,191	791,031.81	98.46	791,031.81	98.46	791,031.81	98.46	791,031.81	98.46
00 STATE PROGRAM REV.	32,482,351.12	0.00	46,702,162	46,702,162	14,219,810.88	69.55	14,219,810.88	69.55	14,219,810.88	69.55	14,219,810.88	69.55
00 FEDERAL PROG. REV.	237,089.02	0.00	2,000,000	2,000,000	1,762,910.98	11.85	1,762,910.98	11.85	1,762,910.98	11.85	1,762,910.98	11.85
00 PAYROLL COSTS	0.00	0.00	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
00 OTHER RESOURCES	49,173.80	0.00	0	0	-49,173.80	0.00	-49,173.80	0.00	-49,173.80	0.00	-49,173.80	0.00
00 gen	83,503,773.13	0.00	100,220,605	100,228,353	16,724,579.87	83.31	16,724,579.87	83.31	16,724,579.87	83.31	16,724,579.87	83.31
-- Revenue	83,503,773.13	0.00	100,220,605	100,228,353	16,724,579.87	83.31	16,724,579.87	83.31	16,724,579.87	83.31	16,724,579.87	83.31
00	1,859.16	0.00	0	0	-1,859.16	0.00	-1,859.16	0.00	-1,859.16	0.00	-1,859.16	0.00
00 PAYROLL COSTS	144.15	0.00	0	0	-144.15	0.00	-144.15	0.00	-144.15	0.00	-144.15	0.00
00 OTHER OPERATING EXP.	0.00	0.00	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
00	0.00	0.00	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
00 gen	2,003.31	0.00	0	0	-2,003.31	0.00	-2,003.31	0.00	-2,003.31	0.00	-2,003.31	0.00
11 PAYROLL COSTS	42,376,119.16	0.00	55,841,198	56,077,998	13,701,878.84	75.57	13,701,878.84	75.57	13,701,878.84	75.57	13,701,878.84	75.57
11 PRO./CONTRACTED SVC.	855,512.51	191,250.50	1,321,658	1,317,731	270,967.99	79.44	270,967.99	79.44	270,967.99	79.44	270,967.99	79.44
11 SUPPLIES	2,557,753.00	403,375.36	1,981,165	3,311,743	350,614.64	89.41	350,614.64	89.41	350,614.64	89.41	350,614.64	89.41
11 OTHER OPERATING EXP.	131,813.92	7,081.20	370,831	167,334	28,438.88	83.00	28,438.88	83.00	28,438.88	83.00	28,438.88	83.00
11 CAPITAL PROJECTS	0.00	10,048.30	12,000	40,049	30,000.70	25.09	30,000.70	25.09	30,000.70	25.09	30,000.70	25.09
11 INSTRUCTION	45,921,198.59	611,755.36	59,526,852	60,914,855	14,381,901.05	76.39	14,381,901.05	76.39	14,381,901.05	76.39	14,381,901.05	76.39
12 PAYROLL COSTS	866,380.22	0.00	1,264,893	1,264,893	398,512.78	68.49	398,512.78	68.49	398,512.78	68.49	398,512.78	68.49
12 PRO./CONTRACTED SVC.	0.00	0.00	16,000	17,429	17,429.00	0.00	17,429.00	0.00	17,429.00	0.00	17,429.00	0.00
12 SUPPLIES	112,948.63	8,323.23	121,200	121,623	351.14	99.71	351.14	99.71	351.14	99.71	351.14	99.71
12 OTHER OPERATING EXP.	2,145.00	0.00	4,000	2,148	3.00	99.86	3.00	99.86	3.00	99.86	3.00	99.86
12 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12 INST. RESOURCES & ME	981,473.85	8,323.23	1,406,093	1,406,093	416,295.92	70.39	416,295.92	70.39	416,295.92	70.39	416,295.92	70.39
13 PAYROLL COSTS	1,034,323.88	0.00	1,202,393	1,204,593	170,269.12	85.87	170,269.12	85.87	170,269.12	85.87	170,269.12	85.87
13 PRO./CONTRACTED SVC.	25,714.36	20.00	50,199	55,886	30,151.60	46.05	30,151.60	46.05	30,151.60	46.05	30,151.60	46.05
13 SUPPLIES	25,142.39	6,300.47	57,285	58,444	27,001.18	53.80	27,001.18	53.80	27,001.18	53.80	27,001.18	53.80
13 OTHER OPERATING EXP.	43,825.15	12,403.35	138,518	124,788	68,559.50	45.06	68,559.50	45.06	68,559.50	45.06	68,559.50	45.06
13 CURRICULUM DEV. & INS	1,129,005.78	18,723.82	1,448,395	1,443,711	295,981.40	79.50	295,981.40	79.50	295,981.40	79.50	295,981.40	79.50
21 PAYROLL COSTS	2,045,650.27	0.00	2,380,464	2,380,464	334,813.73	85.93	334,813.73	85.93	334,813.73	85.93	334,813.73	85.93
21 PRO./CONTRACTED SVC.	640.90	300.00	4,500	4,800	3,859.10	19.60	3,859.10	19.60	3,859.10	19.60	3,859.10	19.60
21 SUPPLIES	13,751.86	2,612.32	18,200	19,536	3,171.82	83.76	3,171.82	83.76	3,171.82	83.76	3,171.82	83.76
21 OTHER OPERATING EXP.	13,055.74	1,670.13	44,848	50,237	35,511.13	29.31	35,511.13	29.31	35,511.13	29.31	35,511.13	29.31
21 INSTRUCTIONAL LEADER	2,073,098.77	4,582.45	2,448,012	2,455,037	377,355.78	84.63	377,355.78	84.63	377,355.78	84.63	377,355.78	84.63

FC OBJ	2020-21 FYTD Activity	Encumbered Amount	2020-21 Original Budget	2020-21 Revised Budget	Unencumbered Balance	2020-21 FYTD %
23 PAYROLL COSTS	4,799,205.67	0.00	5,743,766	5,773,766	974,560.33	83.12
23 PRO./CONTRACTED SVC.	3,404.04	0.00	6,000	6,000	2,595.96	56.73
23 SUPPLIES	67,401.33	6,862.43	85,244	89,962	15,698.24	82.55
23 OTHER OPERATING EXP.	14,723.63	0.00	71,317	31,881	17,157.37	46.18
23 SCHOOL LEADERSHIP	4,884,734.67	6,862.43	5,906,327	5,901,609	1,010,011.90	82.89
31 PAYROLL COSTS	2,249,588.02	0.00	2,878,091	2,878,091	628,502.98	78.16
31 PRO./CONTRACTED SVC.	0.00	0.00	0	0	0.00	0.00
31 SUPPLIES	21,186.96	1,135.57	22,425	25,139	2,816.47	88.80
31 OTHER OPERATING EXP.	2,628.35	0.00	12,612	6,466	3,837.65	40.65
31 GUIDANCE & COUNSELIN	2,273,403.33	1,135.57	2,913,128	2,909,696	635,157.10	78.17
32 PAYROLL COSTS	0.00	0.00	0	0	0.00	0.00
32 PRO./CONTRACTED SVC.	0.00	0.00	0	0	0.00	0.00
32 OTHER OPERATING EXP.	0.00	0.00	0	0	0.00	0.00
32 SOCIAL WORK SERVICES	0.00	0.00	0	0	0.00	0.00
33 PAYROLL COSTS	949,878.59	0.00	1,259,348	1,259,348	309,469.41	75.43
33 PRO./CONTRACTED SVC.	5,000.00	1,258.00	7,495	7,495	1,237.00	83.50
33 SUPPLIES	37,380.58	2,811.05	28,900	42,609	2,417.37	94.33
33 OTHER OPERATING EXP.	2,143.50	0.00	6,830	6,830	4,686.50	31.38
33 DEBT SERVICE	0.00	0.00	0	0	0.00	0.00
33 HEALTH SERVICES	994,402.67	4,069.05	1,302,573	1,316,282	317,810.28	75.86
34 PAYROLL COSTS	1,842,775.49	0.00	2,271,461	2,250,461	407,685.51	81.88
34 PRO./CONTRACTED SVC.	126,492.82	60,809.40	165,400	199,451	12,148.78	93.91
34 SUPPLIES	241,074.19	47,458.98	493,500	361,899	73,365.83	79.73
34 OTHER OPERATING EXP.	96,781.64	1,276.25	133,667	154,167	56,109.11	63.60
34 CAPITAL PROJECTS	204,103.00	0.00	4,000	202,050	-2,053.00	101.02
34 PUPIL TRANSPORTATION	2,511,227.14	109,544.63	3,068,028	3,168,028	547,256.23	82.73
35 PAYROLL COSTS	82,038.97	0.00	0	0	-82,038.97	0.00
35 OTHER OPERATING EXP.	232.40	0.00	0	0	-232.40	0.00
35 FOOD SERVICES	82,271.37	0.00	0	0	-82,271.37	0.00
36 PAYROLL COSTS	2,606,227.20	0.00	2,928,131	2,928,131	321,903.80	89.01
36 PRO./CONTRACTED SVC.	197,191.65	10,172.70	179,689	187,102	-20,262.35	110.83
36 SUPPLIES	225,972.46	152,885.73	290,252	409,107	30,248.81	92.61
36 OTHER OPERATING EXP.	394,802.77	15,584.57	626,945	483,945	73,557.66	84.80
36 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00

FC OBJ	2020-21		Encumbered		2020-21		2020-21		2020-21		Unencumbered	2020-21	
	FYTD Activity	Amount	Original Budget	Revised Budget	Balance	FYTD %	Unencumbered	Balance	FYTD %				
36 COCURR./EXTRACURR.AC	3,424,194.08	178,643.00	4,025,017	4,008,285	405,447.92	89.88							
41 PAYROLL COSTS	1,980,395.71	0.00	2,374,671	2,374,671	394,275.29	83.40							
41 PRO./CONTRACTED SVC.	272,039.50	17,395.41	439,843	445,609	156,174.09	64.95							
41 SUPPLIES	65,715.07	6,884.29	81,590	97,386	24,786.64	74.55							
41 OTHER OPERATING EXP.	135,186.16	4,513.12	185,867	194,305	54,605.72	71.90							
41 CAPITAL PROJECTS	0.00	0.00	7,000	7,000	7,000.00	0.00							
41 GENERAL ADMINISTRATI	2,453,336.44	28,792.82	3,088,971	3,118,971	636,841.74	79.58							
51 PAYROLL COSTS	3,786,342.59	0.00	4,651,052	4,563,364	777,021.41	82.97							
51 PRO./CONTRACTED SVC.	1,494,890.08	103,902.76	2,370,199	2,452,199	853,406.16	65.20							
51 SUPPLIES	657,105.79	104,374.93	727,068	854,456	92,975.28	89.12							
51 OTHER OPERATING EXP.	892,269.40	1,952.73	803,000	903,000	8,777.87	99.03							
51 CAPITAL PROJECTS	17,601.15	84,805.00	261,972	212,772	110,365.85	48.13							
51 PLANT MAINTENANCE &	6,848,209.01	295,035.42	8,813,291	8,985,791	1,842,546.57	79.49							
52 PAYROLL COSTS	832,313.20	0.00	974,504	944,504	112,190.80	88.12							
52 PRO./CONTRACTED SVC.	30,436.50	1,000.00	454,643	464,198	432,761.50	6.77							
52 SUPPLIES	20,064.81	3,404.07	25,300	42,150	18,681.12	55.68							
52 OTHER OPERATING EXP.	12,225.00	0.00	3,865	11,760	-465.00	103.95							
52 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00							
52 SECURITY & MONITORIN	895,039.51	4,404.07	1,458,312	1,462,612	563,168.42	61.50							
53 PAYROLL COSTS	668,843.09	0.00	957,745	957,745	288,901.91	69.84							
53 PRO./CONTRACTED SVC.	513,314.76	0.00	598,613	541,613	28,298.24	94.78							
53 SUPPLIES	327,374.36	39,911.81	421,232	403,483	36,196.83	91.03							
53 OTHER OPERATING EXP.	11,010.28	360.90	38,989	17,738	6,366.82	64.11							
53 CAPITAL PROJECTS	0.00	624,775.70	50,000	670,285	45,509.30	93.21							
53 DATA PROCESSING SERV	1,520,542.49	665,048.41	2,066,579	2,590,864	405,273.10	84.36							
61 PAYROLL COSTS	225,764.10	0.00	233,870	233,870	8,105.90	96.53							
61 PRO./CONTRACTED SVC.	194.00	0.00	1,781	3,494	3,300.00	5.55							
61 SUPPLIES	1,840.94	6,906.97	15,241	13,528	4,780.09	64.67							
61 OTHER OPERATING EXP.	5,197.89	0.00	10,908	10,908	5,710.11	47.65							
61 COMMUNITY SERVICES	232,996.93	6,906.97	261,800	261,800	21,896.10	91.64							
71 DEBT SERVICE	0.00	0.00	0	0	0.00	0.00							
71 DEBT SERVICES	0.00	0.00	0	0	0.00	0.00							
81 PRO./CONTRACTED SVC.	2,800.00	3,000.00	0	0	-5,800.00	0.00							

WAXAHACHIE ISD
G.O. Board Report (Date: 6/2021)

07/20/21

FC OBJ	2020-21		2020-21		2020-21		2020-21		2020-21		2020-21	
	FYTD Activity	Encumbered Amount	Original Budget	Revised Budget	Unencumbered Balance	FYTD						
81 SUPPLIES	0.00	0.00	0	0	0.00	0.00						
81 CAPITAL PROJECTS	1,972,340.36	920,128.99	625,000	3,447,000	554,530.65	83.91						
81 FACILITIES ACQ. & CO	1,975,140.36	923,128.99	625,000	3,447,000	548,730.65	84.08						
91 PRO./CONTRACTED SVC.	0.00	0.00	0	0	0.00	0.00						
91 CONT.INST.SVCS.\PUBL	0.00	0.00	0	0	0.00	0.00						
95 PRO./CONTRACTED SVC.	0.00	0.00	15,000	15,000	15,000.00	0.00						
95 PYMTS.TO JJAEP PROGR	0.00	0.00	15,000	15,000	15,000.00	0.00						
99 PRO./CONTRACTED SVC.	543,071.59	0.00	525,000	525,000	-18,071.59	103.44						
99 OTHER OPERATING EXP.	0.00	0.00	0	0	0.00	0.00						
99 Other Governmental C	543,071.59	0.00	525,000	525,000	-18,071.59	103.44						
-- Expense	78,745,349.89	2,866,956.22	98,898,378	103,930,634	22,318,327.89	78.53						
Grand Revenue Totals	83,503,773.13	0.00	100,220,605	100,228,353	16,724,579.87	83.31						
Grand Expense Totals	78,745,349.89	2,866,956.22	98,898,378	103,930,634	22,318,327.89	78.53						
Grand Totals	4,758,423.24	2,866,956.22	1,322,227	3,702,281	5,593,748.02	-128.53						
	Profit	Loss	Profit	Loss	Loss							

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Number of Accounts: 12903

***** End of report *****

FC OBJ	2020-21		2020-21		2020-21		2020-21		2020-21	
	FYTD Activity	Encumbered Amount	Original Budget	Revised Budget	Comment	Unencumbered Balance	FYTD			
00 LOCAL/INTER. SOURCES	0.00	0.00	0.00	0.00		0.00	0.00			
00 STATE PROGRAM REV.	91,281.25	0.00	4,585.00	203,346.00		112,064.75	44.89			
00 FEDERAL PROG. REV.	2,272,692.09	0.00	3,152,340.00	4,437,202.00		2,164,509.91	51.22			
00 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
00 OTHER RESOURCES	0.00	0.00	0.00	0.00		0.00	0.00			
00 gen	2,363,973.34	0.00	3,156,925.00	4,640,548.00		2,276,574.66	50.94			
-- Revenue	2,363,973.34	0.00	3,156,925.00	4,640,548.00		2,276,574.66	50.94			
00 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
00 PRO./CONTRACTED SVC.	0.00	0.00	0.00	0.00		0.00	0.00			
00 SUPPLIES	0.00	0.00	0.00	0.00		0.00	0.00			
00	0.00	0.00	0.00	0.00		0.00	0.00			
00 gen	0.00	0.00	0.00	0.00		0.00	0.00			
11 PAYROLL COSTS	624,568.41	0.00	948,920.00	945,937.00		321,368.59	66.03			
11 PRO./CONTRACTED SVC.	186,753.13	15,849.76	96,835.00	314,945.00		112,342.11	59.30			
11 SUPPLIES	287,707.83	135,446.73	406,971.00	726,829.00		303,674.44	39.58			
11 OTHER OPERATING EXP.	12,574.80	1,000.00	52,811.00	16,636.00		3,061.20	75.59			
11 CAPITAL PROJECTS	0.00	0.00	0.00	0.00		0.00	0.00			
11 INSTRUCTION	1,111,604.17	152,296.49	1,505,537.00	2,004,347.00		740,446.34	55.46			
12 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
12 SUPPLIES	0.00	0.00	0.00	0.00		0.00	0.00			
12 CAPITAL PROJECTS	0.00	0.00	0.00	0.00		0.00	0.00			
12 INST. RESOURCES & ME	0.00	0.00	0.00	0.00		0.00	0.00			
13 PAYROLL COSTS	147,458.36	0.00	264,052.00	280,972.00		133,513.64	52.48			
13 PRO./CONTRACTED SVC.	93,155.90	21,300.00	124,500.00	239,647.00		125,191.10	38.87			
13 SUPPLIES	19,092.56	432.00	17,774.00	41,798.00		22,273.44	45.68			
13 OTHER OPERATING EXP.	76,758.64	2,090.76	137,008.00	156,066.00		77,216.60	49.18			
13 CURRICULUM DEV. & INS	336,465.46	23,822.76	543,334.00	718,483.00		358,194.78	46.83			
21 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
21 PRO./CONTRACTED SVC.	0.00	0.00	0.00	0.00		0.00	0.00			
21 SUPPLIES	0.00	0.00	0.00	0.00		0.00	0.00			
21 OTHER OPERATING EXP.	0.00	0.00	0.00	0.00		0.00	0.00			
21 INSTRUCTIONAL LEADER	0.00	0.00	0.00	0.00		0.00	0.00			
23 PAYROLL COSTS	0.00	0.00	0.00	97,345.00		97,345.00	0.00			

EC OBJ	2020-21		2020-21		2020-21 Comment	Unencumbered		2020-21 FYTD
	FYTD Activity	Encumbered Amount	Original Budget	Revised Budget		Balance		
23 PRO./CONTRACTED SVC.	3,160.18	0.00	0.00	22,400.00		19,239.82	14.11	14.11
23 SUPPLIES	167.77	0.00	0.00	9,700.00		9,532.23	1.73	1.73
23 OTHER OPERATING EXP.	0.00	0.00	0.00	20,000.00		20,000.00	0.00	0.00
23 SCHOOL LEADERSHIP	3,327.95	0.00	0.00	149,445.00		146,117.05	2.23	2.23
31 PAYROLL COSTS	955,561.58	0.00	1,472,641.00	1,584,977.00		629,415.42	60.29	60.29
31 PRO./CONTRACTED SVC.	0.00	0.00	0.00	0.00		0.00	0.00	0.00
31 SUPPLIES	23,837.51	6,405.37	461,267.00	171,768.00		141,525.12	13.88	13.88
31 OTHER OPERATING EXP.	2,037.96	282.00	15,000.00	7,000.00		4,680.04	29.11	29.11
31 CAPITAL PROJECTS	0.00	0.00	0.00	0.00		0.00	0.00	0.00
31 GUIDANCE & COUNSELIN	981,437.05	6,687.37	1,948,908.00	1,763,745.00		775,620.58	55.65	55.65
32 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00	0.00
32 OTHER OPERATING EXP.	0.00	0.00	0.00	0.00		0.00	0.00	0.00
32 SOCIAL WORK SERVICES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
33 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00	0.00
33 SUPPLIES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
33 HEALTH SERVICES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
34 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00	0.00
34 PRO./CONTRACTED SVC.	0.00	0.00	0.00	0.00		0.00	0.00	0.00
34 OTHER OPERATING EXP.	0.00	0.00	0.00	0.00		0.00	0.00	0.00
34 CAPITAL PROJECTS	0.00	0.00	0.00	0.00		0.00	0.00	0.00
34 PUPIL TRANSPORTATION	0.00	0.00	0.00	0.00		0.00	0.00	0.00
35 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00	0.00
35 SUPPLIES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
35 FOOD SERVICES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
36 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00	0.00
36 PRO./CONTRACTED SVC.	0.00	0.00	0.00	0.00		0.00	0.00	0.00
36 SUPPLIES	0.00	0.00	0.00	0.00		0.00	0.00	0.00
36 OTHER OPERATING EXP.	0.00	0.00	0.00	0.00		0.00	0.00	0.00
36 COCURR./EXTRACURR.AC	0.00	0.00	0.00	0.00		0.00	0.00	0.00
41 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00	0.00
41 OTHER OPERATING EXP.	0.00	0.00	0.00	7,500.00		7,500.00	0.00	0.00
41 GENERAL ADMINISTRATI	0.00	0.00	0.00	7,500.00		7,500.00	0.00	0.00

FC OBJ	2020-21		2020-21		2020-21		2020-21		2020-21	
	FYTD Activity	Encumbered Amount	Original Budget	Revised Budget	Comment	Unencumbered Balance	FYTD			
51 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
51 PRO./CONTRACTED SVC.	0.00	0.00	0.00	0.00		0.00	0.00			
51 CAPITAL PROJECTS	0.00	0.00	0.00	0.00		0.00	0.00			
51 PLANT MAINTENANCE &	0.00	0.00	0.00	0.00		0.00	0.00			
52 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
52 PRO./CONTRACTED SVC.	0.00	0.00	0.00	0.00		0.00	0.00			
52 SUPPLIES	0.00	0.00	0.00	0.00		0.00	0.00			
52 CAPITAL PROJECTS	0.00	0.00	0.00	0.00		0.00	0.00			
52 SECURITY & MONITORIN	0.00	0.00	0.00	0.00		0.00	0.00			
53 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
53 DATA PROCESSING SERV	0.00	0.00	0.00	0.00		0.00	0.00			
61 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
61 PRO./CONTRACTED SVC.	0.00	0.00	0.00	0.00		0.00	0.00			
61 OTHER OPERATING EXP.	0.00	0.00	0.00	0.00		0.00	0.00			
61 COMMUNITY SERVICES	0.00	0.00	0.00	0.00		0.00	0.00			
71 DEBT SERVICE	0.00	0.00	0.00	0.00		0.00	0.00			
71 DEBT SERVICES	0.00	0.00	0.00	0.00		0.00	0.00			
81 PAYROLL COSTS	0.00	0.00	0.00	0.00		0.00	0.00			
81 CAPITAL PROJECTS	0.00	0.00	0.00	0.00		0.00	0.00			
81 FACILITIES ACQ. & CO	0.00	0.00	0.00	0.00		0.00	0.00			
-- Expense	2,432,834.63	182,806.62	3,997,779.00	4,643,520.00		2,027,878.75	52.39			
Grand Revenue Totals	2,363,973.34	0.00	3,156,925.00	4,640,548.00		2,276,574.66	50.94			
Grand Expense Totals	2,432,834.63	182,806.62	3,997,779.00	4,643,520.00		2,027,878.75	52.39			
Grand Totals	68,861.29	182,806.62	840,854.00	2,972.00		248,695.91	2,317.00			
	Loss	Loss	Loss	Loss		Profit				

Number of Accounts: 11038

***** End of report *****

FC OBJ	2020-21 FYTD Activity	Encumbered Amount	2020-21 Original Budget	2020-21 Revised Budget	Unencumbered Balance	2020-21 FYTD
00 LOCAL/INTER. SOURCES	19,569,779.26	0.00	19,629,647	19,629,647	59,867.74	99.70
00 STATE PROGRAM REV.	280,692.00	0.00	387,716	387,716	107,024.00	72.40
00 FEDERAL PROG. REV.	52,916.74	0.00	100,000	100,000	47,083.26	52.92
00 OTHER RESOURCES	0.00	0.00	0	0	0.00	0.00
00 gen	19,903,388.00	0.00	20,117,363	20,117,363	213,975.00	98.94
-- Revenue	19,903,388.00	0.00	20,117,363	20,117,363	213,975.00	98.94
00 DEBT SERVICE	0.00	0.00	0	0	0.00	0.00
00	0.00	0.00	0	0	0.00	0.00
00 gen	0.00	0.00	0	0	0.00	0.00
71 DEBT SERVICE	5,964,294.54	0.00	17,543,956	17,543,956	11,579,661.46	34.00
71 DEBT SERVICES	5,964,294.54	0.00	17,543,956	17,543,956	11,579,661.46	34.00
-- Expense	5,964,294.54	0.00	17,543,956	17,543,956	11,579,661.46	34.00
Grand Revenue Totals	19,903,388.00	0.00	20,117,363	20,117,363	213,975.00	98.94
Grand Expense Totals	5,964,294.54	0.00	17,543,956	17,543,956	11,579,661.46	34.00
Grand Totals	13,939,093.46	0.00	2,573,407	2,573,407	11,365,686.46	541.66
	Profit		Profit		Loss	

FC OBJ	2020-21		2020-21		Unencumbered Balance	2020-21 FYTD
	FYTD Activity	Amount	Original Budget	Revised Budget		
00 LOCAL/INTER. SOURCES	612.31	0.00	9,500	9,500	8,887.69	6.45
00 STATE PROGRAM REV.	4,554.54	0.00	6,073	6,073	1,518.46	75.00
00 OTHER RESOURCES	0.00	0.00	0	0	0.00	0.00
00 gen	5,166.85	0.00	15,573	15,573	10,406.15	33.18
-- Revenue	5,166.85	0.00	15,573	15,573	10,406.15	33.18
00	0.00	0.00	0	0	0.00	0.00
00 gen	0.00	0.00	0	0	0.00	0.00
11 PAYROLL COSTS	0.00	0.00	0	0	0.00	0.00
11 SUPPLIES	6,819.27	66,560.01	0	67,000	-6,379.28	10.18
11 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00
11 INSTRUCTION	6,819.27	66,560.01	0	67,000	-6,379.28	10.18
12 SUPPLIES	6,111.46	138,263.93	0	130,000	-14,375.39	4.70
12 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00
12 INST. RESOURCES & ME	6,111.46	138,263.93	0	130,000	-14,375.39	4.70
35 SUPPLIES	0.00	0.00	0	0	0.00	0.00
35 FOOD SERVICES	0.00	0.00	0	0	0.00	0.00
36 SUPPLIES	0.00	0.00	0	0	0.00	0.00
36 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00
36 COCURR./EXTRACURR.AC	0.00	0.00	0	0	0.00	0.00
51 PRO./CONTRACTED SVC.	0.00	0.00	0	0	0.00	0.00
51 SUPPLIES	0.00	0.00	0	0	0.00	0.00
51 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00
51 PLANT MAINTENANCE &	0.00	0.00	0	0	0.00	0.00
52 PRO./CONTRACTED SVC.	0.00	0.00	0	0	0.00	0.00
52 SUPPLIES	0.00	0.00	0	0	0.00	0.00
52 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00
52 SECURITY & MONITORIN	0.00	0.00	0	0	0.00	0.00
71 DEBT SERVICE	0.00	0.00	0	0	0.00	0.00
71 DEBT SERVICES	0.00	0.00	0	0	0.00	0.00
81 PAYROLL COSTS	66,495.59	0.00	80,534	80,534	14,038.41	82.57

WAXAHACHIE ISD
Capital Projects Board Report (Date: 6/2021)

FC OBJ	2020-21		2020-21		2020-21		2020-21		2020-21	
	FYTD	Activity	Encumbered	Amount	Original Budget	Revised Budget	Comment	Unencumbered	Balance	FYTD
81 PRO./CONTRACTED SVC.	0.00		0.00		0	0		0.00	0.00	0.00
81 SUPPLIES	2,693.67		0.00		0	0		-2,693.67	0.00	0.00
81 OTHER OPERATING EXP.	0.00		0.00		0	0		0.00	0.00	0.00
81 CAPITAL PROJECTS	471,743.85		164,871.60		1,300,000	1,103,000		466,384.55	42.77	42.77
81 FACILITIES ACQ. & CO	540,933.11		164,871.60		1,380,534	1,183,534		477,729.29	45.70	45.70
-- Expense	553,863.84		369,695.54		1,380,534	1,380,534		456,974.62	40.12	40.12
Grand Revenue Totals	5,166.85		0.00		15,573	15,573		10,406.15	33.18	33.18
Grand Expense Totals	553,863.84		369,695.54		1,380,534	1,380,534		456,974.62	40.12	40.12
Grand Totals	548,696.99		369,695.54		1,364,961	1,364,961		446,568.47	40.20	40.20
	Loss		Loss		Loss	Loss		Loss		

Number of Accounts: 227

FC OBJ	2020-21		2020-21		2020-21		2020-21		Unencumbered Balance	2020-21 FYTD %
	FYTD Activity	Encumbered Amount	Original Budget	Revised Budget	Unencumbered Balance	2020-21 FYTD %				
00 LOCAL/INTER. SOURCES	1,138,356.03	0.00	2,094,625	2,096,625	958,268.97	54.29				
00 STATE PROGRAM REV.	62,865.41	0.00	184,459	184,459	121,593.59	34.08				
00 FEDERAL PROG. REV.	0.00	0.00	0	0	0.00	0.00				
00 PAYROLL COSTS	0.00	0.00	0	0	0.00	0.00				
00 OTHER RESOURCES	3,165,774.82	0.00	2,779,115	2,779,115	-386,659.82	113.91				
00 gen	4,366,996.26	0.00	5,058,199	5,060,199	693,202.74	86.30				
-- Revenue	4,366,996.26	0.00	5,058,199	5,060,199	693,202.74	86.30				
11 PAYROLL COSTS	0.00	0.00	0	0	0.00	0.00				
11 INSTRUCTION	0.00	0.00	0	0	0.00	0.00				
35 PAYROLL COSTS	1,475,105.57	0.00	2,150,611	2,150,611	675,505.43	68.59				
35 PRO./CONTRACTED SVC.	1,990.39	5,875.00	10,000	10,000	2,134.61	78.65				
35 SUPPLIES	1,602,983.79	86,545.35	2,302,990	2,339,201	649,671.86	72.23				
35 OTHER OPERATING EXP.	1,160.08	0.00	7,000	7,000	5,839.92	16.57				
35 CAPITAL PROJECTS	0.00	28,783.00	65,000	28,789	6.00	99.98				
35 FOOD SERVICES	3,081,239.83	121,203.35	4,535,601	4,535,601	1,333,157.82	70.61				
51 PAYROLL COSTS	0.00	0.00	0	0	0.00	0.00				
51 PRO./CONTRACTED SVC.	0.00	0.00	88,500	88,500	88,500.00	0.00				
51 PLANT MAINTENANCE &	0.00	0.00	88,500	88,500	88,500.00	0.00				
61 PAYROLL COSTS	291,751.22	0.00	393,965	393,965	102,213.78	74.06				
61 PRO./CONTRACTED SVC.	3,241.85	750.00	13,421	13,421	9,429.15	29.74				
61 SUPPLIES	18,639.45	2,501.58	21,700	26,200	5,058.97	80.69				
61 OTHER OPERATING EXP.	771.20	0.00	5,012	2,512	1,740.80	30.70				
61 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00				
61 COMMUNITY SERVICES	314,403.72	3,251.58	434,098	436,098	118,442.70	72.84				
81 CAPITAL PROJECTS	0.00	0.00	0	0	0.00	0.00				
81 FACILITIES ACQ. & CO	0.00	0.00	0	0	0.00	0.00				
-- Expense	3,395,643.55	124,454.93	5,058,199	5,060,199	1,540,100.52	69.56				
Grand Revenue Totals	4,366,996.26	0.00	5,058,199	5,060,199	693,202.74	86.30				
Grand Expense Totals	3,395,643.55	124,454.93	5,058,199	5,060,199	1,540,100.52	69.56				
Grand Totals	971,352.71	124,454.93	0	0	846,897.78	0.00				
	Profit	Loss			Loss					

	2020-21	Encumbered	2020-21	Unencumbered	2020-21
	FYTD Activity	Amount	Original Budget	Balance	FYTD

PC OBJ

Number of Accounts: 978

***** End of report *****

WAXAHACHIE ISD SUMMARY OF ACTIVITY AS OF JUNE 2021

GENERAL FUND	YTD ACTUAL	ORIGINAL BUDGET	REVISED BUDGET	YTD %	PRIOR YTD %
REVENUES	83,503,773.13	100,220,605	100,228,353	83.31%	88.83%
EXPENDITURES	78,745,349.89	98,898,378	103,930,634	75.77%	74.99%
SPECIAL PROGRAMS					
REVENUES	2,363,973.34	3,156,925	4,640,548	50.94%	44.47%
EXPENDITURES	2,432,834.63	3,997,779	4,643,520	52.39%	50.70%
INTEREST & SINKING					
REVENUES	19,903,388.00	20,117,363	20,117,363	98.94%	230.26%
EXPENDITURES	5,964,294.54	17,543,956	17,543,956	34.11%	161.69%
CAPITAL PROJECTS					
REVENUES	5,166.85	15,573	15,573	33.18%	64.89%
EXPENDITURES	553,863.84	1,380,534	1,380,534	40.12%	67.21%
ENTERPRISE FUNDS					
REVENUES	4,366,996.26	5,058,199	5,060,199	86.30%	77.36%
EXPENDITURES	3,395,643.55	5,058,199	5,060,199	67.10%	74.75%

Waxahachie ISD 2020-21 Budget Summary June 2021

[illegible]

Waxahachie ISD
BOARD OF TRUSTEES

Date: August 9, 2021

Subject: Budget and Finance Transfers/Amendments/ Purchase Orders

Background:

Presented for Board consideration and approval are budget transfers/amendments, purchase orders over \$50,000 requiring Board approval – including several increases to previously Board approved purchase orders.

Recommendation:

Review and approve as presented.



Schedule A

SALES ORDER

Company Address: 121 NW Everett Street
Portland, OR 97209
License Start Date:
License End Date:

Created Date: 06/24/2021
Quote Number: 00049925
Partner ID: 19294

Prepared By: Vicky Billings
Phone:
Email: vicky.billings@nwea.org

Contact Name: Stacey Johnson
Phone: 9729234727 x32513
Email: stjohanson@wisd.org

Bill To Name: Waxahachie ISD
Bill To Address: 401 N Gibson
Waxahachie, TX 75165

Ship To Name: Waxahachie ISD
Ship To Address: 401 N Gibson
Waxahachie, TX 75165

Product	Sales Price	Quantity	Total Price	Item Discount
Professional Learning Workshop (full day)	\$3,500.00	4	\$14,000.00	-\$0.00
Professional Learning Workshop (full day)	\$1,500.00	4	\$6,000.00	-\$8,000.00

Quote Discount -\$8,000.00

Quote Subtotal \$20,000.00

Estimated Tax \$0.00

Grand Total \$20,000.00

Notes

3 PL days from 2020-21 Package to roll over (1 First + 2 Consecutive). New Package adds 8 additional days 2 stand-alone days for Campus Admins MOY and EOY. 2 First Days + 4 Consecutive Days for 3 days of B2B PL for teachers at BOY and MOY. \$1500 PL days must be scheduled with minimum of one consecutive \$3500 day, or a balance of \$2,000 will be charged.

Terms and Conditions

This Schedule A is subject to NWEA's terms and conditions located at: <https://legal.nwea.org/>. By signing this Schedule A you agree you have read and understood the terms and agree to them.

If this schedule includes virtually delivered professional learning or workshops, then cancellation is subject to the Virtual Workshop Cancellation Policy: at <http://legal.nwea.org/supplementalterms.html>.

Information about NWEA's collection, use, and disclosure of Student Information can be found here: <https://legal.nwea.org/nwea-privacy-and-security-for-pii.html>

NWEA's W9 can be found at: <https://legal.nwea.org/nwea-w-9.html>

Until this Schedule A is signed, the terms identified here are valid for 90 days from the date above. Please confirm the billing address, or specify changes to your account manager.



NWEA
121 NW Everett St
Portland, OR 97209
United States

Invoice # 53402
5/21/2021

Bill To

Waxahachie ISD
401 N Gibson
Waxahachie TX 75165
United States

Amount Due

\$139,565.75

Due Date: 10/1/2021

Partner ID	PO #	Terms	Due Date
19294	0730021144	Net 30	10/1/2021

Quantity	Description	Rate	Amount
2,660	MAP Reading Fluency Add-on for Bundle price (incl. English & Spanish)	\$5.00	\$13,300.00
4,360	MAP Growth Science (Add-On)	\$2.50	\$10,900.00
9,287	MAP Growth K-12	\$12.25	\$113,765.75
400	MAP Skills	\$4.00	\$1,600.00

Subtotal	\$139,565.75
Tax	\$0.00
Total	\$139,565.75
Amount Paid	\$0.00
Amount Due	\$139,565.75

Prices are listed net of all taxes and additional charge imposed by any local, state, federal or other governmental authorities, withholding and value added taxes. Subscriber agrees that it is solely responsible for payment of any such assessments.

We accept payment via credit card, ACH, wire transfer or check in US dollars drawn on a US bank.

- To pay by check, please include the Invoice number and mail to: PO Box 2745, Portland, OR 97208-2745.
- To pay via credit card, please call Finance Support: 503-408-6632 or email accountsreceivable@nwea.org.
- To pay by ACH or wire transfer, provide the following to your bank:

Beneficiary Bank's ABA: 123002011
Beneficiary Bank's Name: Key Bank
Beneficiary Bank's Address: 1211 SW 5th Ave Suite 577, Portland, OR 97204
Beneficiary's Account Number: 379681088355
Beneficiary's Name: NWEA
Beneficiary Bank's SWIFT Code: KEYBUS33

IMPORTANT: PLEASE INCLUDE THE NAME OF YOUR ORGANIZATION AS IT SHOWS ON THIS DOCUMENT ALONG WITH THE INVOICE NUMBER ON YOUR PAYMENT. If your bank transfer has no way to include this information, please send us an email so that we know to expect our payment. Otherwise your payment may be applied to an incorrect account.

Phone	Fax	Email	Federal Tax ID
(503) 624-1951	(503) 639-7873	business.operations@nwea.org	#93-0686108

COPIES
WHITE VENDOR
YELLOW RECEIVING

INVOICE TO:
WAXAHACHIE ISD
411 N. GIBSON STREET
WAXAHACHIE, TX 75165
TAX NBR: 75-6002723
PHONE: 972-923-4631
FAX NBR: 972-923-4658

P.O. NUMBER: 0730021144
VENDOR KEY : NWEA 000
PAGE NUMBER: 1
P.O. DATE : 04/26/2021
SHIP DATE : 04/26/2021
FISCAL YEAR: 2020-2021
ENTERED BY : ECHOLPAI000

PRINTED 05/11/2021

COMPANY:

NWEA
PO BOX 2745
PORTLAND, OR 97208-2745

DELIVER TO:

WISD CENTRAL ADMINISTRATION
411 N GIBSON ST.
WAXAHACHIE, TX 75165

ATTN: DAWN HILBURN

QUANT.	UNIT OF MEASURE	DESCRIPTION	UNIT COST	TOTAL COST

STUDENT GROWTH AND PERFORMANCE
DIAGNOSTIC SYSTEM RENEWAL

1	UNIT	QUOTE # 0042312	139565.75000	139565.75

WISD CONTACT: DAWN
HILBURN/DEBBIE NEEDHAM
9729234727

VENDOR APPROVED - GPISD EPCNT
EXP: 8/31/21 / WISD RFP #
15-7116

USE P.O. NUMBER ON ALL CORRESPONDENCE

TOTAL

(paid)
139,565.75

*+ Add on for 20,000
in August - Board to approve
for Prof. Workshops.*

TAX EXEMPTIONS

TAX EXEMPT ENTITY
NO BACK ORDERS ACCEPTED

PURCHASE APPROVED BY:

UR
8/2/21
Ry Kahl

CHIEF FINANCIAL OFFICER

P.O.: 730021144	ACCOUNT SUMMARY (FOR INTERNAL USE)	VENDOR KEY : NWEA	000
ACCOUNT		AMOUNT	
199 E 11 6299 73 999 0 11 000		139,565.75	

COPIES
WHITE VENDOR
YELLOW RECEIVING

INVOICE TO:
WAXAHACHIE ISD
411 N. GIBSON STREET
WAXAHACHIE, TX 75165
TAX NBR: 75-6002723
PHONE: 972-923-4631
FAX NBR: 972-923-4658

P.O. NUMBER: 9009021238
VENDOR KEY : TYLER CO001
PAGE NUMBER: 1
P.O. DATE : 07/14/2021
SHIP DATE : 07/14/2021
SHIP VIA : INSTALL
FISCAL YEAR: 2020-2021
ENTERED BY : ROSS WEN001

PRINTED 07/14/2021

COMPANY:	TYLER COMMUNICATIONS SYSTEMS, CYNERGY 3903 TIMMS STREET TYLER, TX 75701	DELIVER TO: WISD WAXAHACHIE HIGH SCHOOL 3001 US HWY 287 BYPASS WAXAHACHIE, TX 75167 ATTN: JOE O'DANIEL-TECHNOLOGY

QUANT.	UNIT OF MEASURE	DESCRIPTION	UNIT COST	TOTAL COST
		TIPS TAPS APPROVED VENDOR		
16	EACH	TRUTOUCH 86" ULTRA-HD LEDMULTI-TOUCH DIPLAY NEWLINE STANDARD WALL MOUNT	2902.15000	46434.40
1	EACH	PROFESSIONAL SERVICES INSTALLATION	6458.82000	6458.82
1	EACH	FREIGHT	225.00000	225.00
USE P.O. NUMBER ON ALL CORRESPONDENCE			TOTAL	53,118.22

<u>T A X E X E M P T I O N S</u> TAX EXEMPT ENTITY NO BACK ORDERS ACCEPTED	PURCHASE APPROVED BY:  CHIEF FINANCIAL OFFICER

P.O.: 9009021238 ACCOUNT SUMMARY (FOR INTERNAL USE)		VENDOR KEY : TYLER CO001
ACCOUNT		AMOUNT
161 E 11 6395 58 999 0 99 000		13,118.22
199 E 11 6395 00 002 0 11 000		40,000.00

Invoice

gary.hartsflooring@gmail.com

Harts Flooring
4420 Mint Way
Dallas, Texas 75236
Phone:(214) 352-HART

INVOICE #	PROJECT #	job
8424	9009021207	Northside

DATE	terms
7/24/2021	

BILL TO
Waxahachie ISD

DESCRIPTION	QTY	U/M	RATE	AMOUNT
remove and dispose existing vinyl composition tile	32.292		0.60	19,375.20
remove and dispose existing carpet	270		3.50	945.00
supply and install vinyl composition tile one color no pattern	43,425		1.68	72,954.00
supply and install carpet tile carpet to match library	270		28.00	7,560.00
supply and install Shaw Rexcourt	763		49.40	37,692.20
Supply and install base	8,400	ft	1.62	13,608.00
Install heat weld	1,160		3.00	3,480.00
paint basketball court	1		3,800.00	3,800.00
remove vet with asbestos glue	18,000		5.40	97,200.00
bid excludes major floor prep , any moisture issues , sealing or waxing floors , floor protection, etc...				
Pattern vinyl composition tile in hallways (extras)	1		4,500.00	4,500.00
Install floor prep including self leveling in hallways and classrooms (extras)	1		6,250.00	6,250.00
Material Draw Check # 171188	1		-147,200.00	-147,200.00
			Total	\$120,164.40

OK TO PAY
STEPHEN MOTT
7/26/2021

OK to pay.
RK 8/2/21

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INVOICE TO:
WAXAHACHIE ISD
411 N. GIBSON STREET
WAXAHACHIE, TX 75165
TAX NBR: 75-6002723
PHONE: 972-923-4631
FAX NBR: 972-923-4658

P.O. NUMBER: 9009021207
VENDOR KEY : GARY HAR000
PAGE NUMBER: 1
P.O. DATE : 06/03/2021
SHIP DATE : 06/03/2021
SHIP VIA : BEST WAY
FISCAL YEAR: 2020-2021
ENTERED BY : ROSS WEN001

PRINTED 08/02/2021
REPRINTED PO

COMPANY:	DELIVER TO:
GARY HART	WISD MAINTENANCE WAREHOUSE
HARTS FLOORING	631 SOLON RD
4420 MINT WAY	WAXAHACHIE, TX 75165
DALLAS, TX 75236	
	ATTN: STEPHEN MOTT/ANDY REEVES

QUANT.	UNIT OF MEASURE	DESCRIPTION	UNIT COST	TOTAL COST
		WISD APPROVED VENDOR		
		COMPLETE FLOORING REPLACEMENT AT NORTHSIDE ELEMENTARY PER ESTIMATE NO. 2291		
32292	EACH	REMOVE AND DISPOSE OF EXISTING VCT	0.60000	19375.20
270	EACH	REMOVE AND DISPOSE EXISTING CARPET	3.50000	945.00
43425	EACH	SUPPLY AND INSTALL VCT ONE COLOR NO PATTERN	1.68000	72954.00
763	EACH	SUPPLY AND INSTALL SHAW REXCOURT	49.40000	37692.20
270	EACH	SUPPLY AND INSTALL CAPRET TILE TO MATCH CARPET IN LIBRARY	28.00000	7560.00
8400	EACH	SUPPLY AND INSTALL BASE	1.62000	13608.00
1160	EACH	INSTALL HEAT WELD	3.00000	3480.00
1	EACH	PAINT BASKETBALL COURT	3800.00000	3800.00
18000	EACH	REMOVE VCT WITH ADHESIVE GLUE	5.40000	97200.00
USE P.O. NUMBER ON ALL CORRESPONDENCE			TOTAL	256,614.40

(C O N T I N U E D O N N E X T P A G E)

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WAXAHACHIE ISD
411 N. GIBSON STREET
WAXAHACHIE, TX 75165
TAX NBR: 75-6002723
PHONE: 972-923-4631
FAX NBR: 972-923-4658

P.O. NUMBER: 9009021207
VENDOR KEY : GARY HAR000
PAGE NUMBER: 2
P.O. DATE : 06/03/2021
SHIP DATE : 06/03/2021
SHIP VIA : BEST WAY
FISCAL YEAR: 2020-2021
ENTERED BY : ROSS WEN001

PRINTED 08/02/2021
REPRINTED PO

COMPANY:

GARY HART
HARTS FLOORING
4420 MINT WAY
DALLAS, TX 75236

DELIVER TO:

WISD MAINTENANCE WAREHOUSE
631 SOLON RD
WAXAHACHIE, TX 75165

ATTN: STEPHEN MOTT/ANDY REEVES

T A X E X E M P T I O N S

TAX EXEMPT ENTITY
NO BACK ORDERS ACCEPTED

PURCHASE APPROVED BY:



CHIEF FINANCIAL OFFICER

P.O.: 9009021207 ACCOUNT SUMMARY (FOR INTERNAL USE)
ACCOUNT

VENDOR KEY : GARY HAR000
AMOUNT

199 E 81 6629 77 999 0 99 333

256,614.40

Waxahachie ISD 2020-21 Proposed Budget Amendments for August 2021

	Adopted Gen. Fund 1XXX	Amended Gen. Fund 1XXX	Proposed Budget Amendments- Increases Gen. Fund 1XXX	Proposed Budget Amendments- (Decreases) Gen. Fund 1XXX	Proposed Revised Budget Gen. Fund 1XXX	Explanation
REVENUES						
5700 LOCAL & INTER. SOURCE REVENUE	51,518,443	51,526,191			51,526,191	
5800 STATE PROGRAM REVENUES	46,702,162	46,702,162			46,702,162	
5900 FEDERAL REVENUES	2,000,000	2,000,000		-	2,000,000	
7900 OTHER RESOURCES				-	-	
TOTAL REVENUES	100,220,605	100,228,353	-	-	100,228,353	
11 INSTRUCTIONAL RESOURCES & MEDIA SER	59,526,852	60,914,855	53,406		60,968,261	Moving a total of \$14,256 - several functions combined - see below for Coleman budget. Moving \$39,150 from multiple functions listed below for Vocational budget.
12 INSTRUCTIONAL RESOURCES & MEDIA SER	1,406,093	1,406,093				
13 CURRICULUM & INSTRUCTIONAL STAFF DEV.	1,448,395	1,443,711	2,562	(5,470)	1,440,803	Moving \$4500 from 13 to 11 for Coleman budget. Moving \$970 from 13 to 11 for Vocational budget. Moving \$2262 from 36 to 13 for Fine Arts budget. Moving \$300 from 36 to 13 for Fine Arts budget.
21 INSTRUCTIONAL LEADERSHIP	2,448,012	2,455,037		(6,062)	2,448,975	Moving \$6062 from 21 to 11 for Vocational budget.
23 SCHOOL ADMINISTRATION	5,906,327	5,901,609		(7,745)	5,893,864	Moving \$7745 from 23 to 11 for Coleman budget.
31 GUIDANCE AND COUNSELING SERVICES	2,913,128	2,909,696		(2,300)	2,907,396	Moving \$2000 from 31 to 11 for Coleman budget. Moving \$300 from 31 to 11 for Vocational budget.
32 SOCIAL WORK SERVICES					-	
33 HEALTH SERVICES	1,302,573	1,316,282		(11)	1,316,271	Moving \$11 from 33 to 11 for Coleman budget.
34 STUDENT (PUPIL) TRANSPORTATION	3,068,028	3,168,028				
36 COCURRICULAR/EXTRACURRICULAR ACTIV.	4,025,017	4,008,285		(34,380)	3,973,905	Moving \$31818 from 36 to 11 for Vocational budget. Moving \$2262 from 36 to 13 for Fine Arts budget. Moving \$300 from 36 to 13 for Fine Arts budget.
41 GENERAL ADMINISTRATION	3,088,971	3,118,971			3,118,971	
51 PLANT MAINTENANCE AND OPERATION	8,813,291	8,985,791			8,985,791	
52 SECURITY & MONITORING SERVICES	1,458,312	1,462,612			1,462,612	
53 DATA PROCESSING SERVICES	2,066,579	2,590,864			2,590,864	
61 COMMUNITY SERVICES	261,800	261,800				
71 DEBT SERVICE					-	

Waxahachie ISD 2020-21 Proposed Budget Amendments for August 2021

81 FACILITIES		625,000	3,447,000			3,447,000	
95 JJAEP		15,000	15,000			15,000	
99 OTHER GOVERNMENTS		525,000	525,000			525,000	
TOTAL APPROPRIATIONS		98,898,378	103,930,634	55,968	(55,968)	103,930,634	
Approved by Board:		Yes	No	Date:		Signed:	

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **MOU – SAGU Facilities**



Background:

For many years, Waxahachie ISD has entered into a memorandum of understanding with Southwestern Assemblies of God University (SAGU) regarding the mutual use of each other's facilities, specifically including WISD's Lumpkins Stadium and SAGU's Sheaffer Center, Hagee Communications Center and Garrison Wellness Center Pool. SAGU intends to utilize Lumpkins Stadium for up to six football games this fall, all of which will be conducted on Saturdays. WISD would also grant SAGU permission to utilize athletic fields located at WHS and junior high campuses on dates and times which would not conflict with any intended use of the facilities by WISD. In exchange, SAGU will allow the WHS swim team to utilize the Garrison Wellness Center for daily swim practice throughout the school year and host the following events within the Sheaffer Center for no charge to the district: Partners in Education Luncheon, Global High School Capstone, Global High School Graduation and WISD Employee Awards.

Recommendation:

Administration recommends approval of the memorandum of understanding and is appreciative of the ongoing mutually beneficial relationship between WISD and SAGU.

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE WAXAHACHIE INDEPENDENT SCHOOL DISTRICT
AND SOUTHWESTERN ASSEMBLIES OF GOD UNIVERSITY
REGARDING USE OF FACILITIES DURING THE 2021-22 SCHOOL YEAR**

This Memorandum of Understanding is made and entered into by and between the Waxahachie Independent School District ("the District" or "WISD") and Southwestern Assemblies of God University ("the University" or "SAGU");

WHEREAS, WISD is a public primary and secondary educational institution fully accredited by the Texas Education Agency to certify completion of all educational requirements through high school graduation, and SAGU is a private, non-profit university fully accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associates, baccalaureate, masters and doctoral degrees;

WHEREAS, the continued and ongoing partnership between WISD and SAGU furthers the educational mission of each institution;

WHEREAS, WISD and SAGU each derive a benefit through the sharing of each other's facilities in a manner that does not interfere with any intended use or activity of the owner of the respective facilities;

WHEREAS, WISD and SAGU desire to enter into a memorandum of understanding regarding the mutual use of facilities, specifically including WISD's Lumpkins Stadium and other athletic facilities and SAGU's Sheaffer Center, Hagee Communications Center and Garrison Wellness Center Pool;

WHEREAS, SAGU plays competitive football, does not have a facility comparable to Lumpkins Stadium in which to host football games, and desires to host up to six competitive football games at said facility on Saturdays during the fall of 2021 at scheduled times which do not interfere with any intended use or activity by WISD;

WHEREAS, WISD competes in competitive swimming, does not have a facility comparable to the Garrison Wellness Center Pool, and desires to utilize said facility for daily swim practice during the 2021-22 school year at times which do not interfere with any intended use or activity by SAGU;

WHEREAS, WISD hosts large events each year, including but not limited to WISD Global High School Capstone and Graduation, Partners in Education Luncheon, and Waxahachie ISD Employee Awards Program and desires to host such events at the Sheaffer Center at times which do not interfere with any intended use or activity by SAGU;

WHEREAS, pursuant to WISD Board Policy GKD (LOCAL), the WISD Board of Trustees has determined that the intended use of Lumpkins Stadium by SAGU for the purpose of hosting up to six football games and the occasional use of other WISD athletics facilities for the purpose of conducting intercollegiate athletics consists of permissible educational, recreational, civic and

social activities conducted by a non-profit organization at scheduled times which do not interfere with any intended use or activity by WISD;

WHEREAS, the WISD Board of Trustees has further determined that SAGU's agreement to allow WISD to utilize SAGU's Sheaffer Center and Garrison Wellness Center Pool in the manner described above without monetary compensation is sufficient consideration to authorize SAGU's use of Lumpkins Stadium and other athletics facilities in the manner described above without additional monetary consideration; and,

WHEREAS, SAGU has determined that WISD's agreement to allow SAGU to utilize WISD's Lumpkins Stadium and other athletics facilities in the manner described above without monetary compensation is sufficient consideration to authorize WISD's use of the Sheaffer Center, Hagee Communications Center and Garrison Wellness Center Pool in the manner described above without additional monetary consideration:

NOW THEREFORE, IT IS HEREBY MUTUALLY AGREED:

1. WISD authorizes SAGU to utilize Lumpkins Stadium to host up to six competitive football games at said facility on the following Saturdays during the fall of 2021:
September 11th,
September 18th,
October 2nd,
October 9th,
October 23rd, and
October 30th.
Other dates to be determined as requested by SAGU and as available if not utilized for any other purpose by WISD.
2. WISD authorizes SAGU to utilize other athletics facilities, including but not limited to the athletic fields located at Waxahachie High School and WISD junior high campuses throughout the 2021-22 school year at times which do not interfere with any intended use or activity by WISD.
3. SAGU authorizes WISD to utilize the Garrison Wellness Center Pool for daily swim practice of the Waxahachie High School swim team throughout the 2021-22 school year at times which do not interfere with any intended use or activity by SAGU.
4. SAGU authorizes WISD to utilize the Sheaffer Center to conduct events such as the Partners in Education Luncheon, Global High School Capstone, Global High School Graduation and WISD Employee Awards Program at times which do not interfere with any intended use or activity by SAGU.
5. In consideration of the mutual facility use authorizations described within paragraphs 1-4, neither WISD nor SAGU will seek monetary compensation from each other for the authorization to utilize each other's facilities in the above described manner.

6. Nothing in this agreement shall be deemed to transfer ownership of one party's property to the other.
7. Nothing in this agreement shall be deemed to require one party to employ individuals for the benefit of the other party. Should SAGU or WISD desire to obtain the services of employees of the other party in order to facilitate the use of the other party's facility, such procurement of services will be the sole responsibility of the party seeking such services. Neither SAGU nor WISD will prevent employees from receiving compensation from the other party for services rendered in relation to one party's use of the other's facility.
8. Both parties agree to abide by all laws and policies, including but not limited to those prohibiting the use, sale, or possession of alcoholic beverages, illegal drugs, and firearms and the use of tobacco products in regard to the use of the other's property.
9. Both parties agree to make no alteration, temporary or permanent, to the other's property without prior written consent.
10. Both parties will be responsible for the cost of repairing any damages incurred during use of the other's property.
11. It is understood and agreed that by execution of this agreement, WISD neither waives nor surrenders any of its governmental powers or immunities.
12. This agreement shall be constructed in accordance with Texas law. Venue for any dispute arising out of this agreement shall reside in a court of appropriate jurisdiction in Ellis County, Texas.
13. Any clause, sentence, paragraph or article of the agreement which is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable, in any respect shall not be deemed to impair, invalidate or nullify the remainder of this agreement.
14. This agreement contains the entire agreement between the parties respecting the subject matter thereof, and supersedes all prior understandings and agreements between the parties regarding such matters. This agreement may not be modified or amended except by written agreement duly executed by the parties hereto.
15. The failure of WISD or SAGU to insist upon the performance of any term or provision of this agreement or to exercise any right granted herein shall not constitute a waiver of WISD's or SAGU's respective right to insist upon appropriate performance or to assert any such right on any future occasion.
16. Any notice given hereunder shall be in writing, and may be affected by personal delivery or by registered or certified mail, return receipt requested, at the address of the respective parties indicated below:

WISD: Superintendent
Waxahachie ISD
411 N. Gibson St.
Waxahachie, Texas 75165

SAGU: President
Southwestern Assemblies of God University
1200 Sycamore St.
Waxahachie, Texas 75165

17. The term of this agreement is the duration of the 2021-22 school year, and will expire on June 30, 2022.

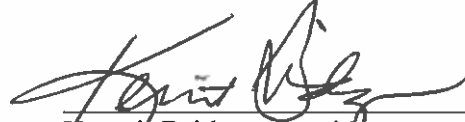
IN WITNESS WHEREOF, the parties hereto have executed this agreement in Waxahachie, Ellis County, Texas, this _____ day of _____, 2021.

**WAXAHACHIE INDEPENDENT
SCHOOL DISTRICT**

Dusty Autrey, President
Board of Trustees

Date: _____

**SOUTHWESTERN ASSEMBLIES
OF GOD UNIVERSITY**



Kermit Bridges, President

Date: 7-13-21

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **MOU with Navarro College for Dual Credit**

Presented by: **David Averett/Lee Auvenshine**



Background:

Navarro College and Waxahachie ISD are partnering to provide eligible high school student with the opportunity to enroll in Navarro College courses and receive simultaneous academic credit (dual credit) from Navarro College and Waxahachie ISD. Results of the dual credit/concurrent enrollment courses will be noted on transcripts from both institutions.

Recommendation:

Approve the 2021-2022 MOU between Navarro College and Waxahachie ISD.

Part I: General Information

Navarro College is pleased to propose a joint partnership effort with Waxahachie ISD for the 2021-2022 academic year, hereafter referred to as "the I.S.D.," to provide high school students an opportunity to take selected college-level academic and/or career and technical courses for both high school credit and college credit. Students must meet requirements established by the Texas Higher Education Coordinating Board (THECB) and the Texas Education Association as outlined in the Texas Administrative Code Rule 4.85:

Alignment of Navarro College Dual Credit Program Goals to the Texas Higher Education Coordinating Board Dual Credit Statewide Goals:

THECB Statewide Dual Credit Goals	Navarro College Dual Credit Program Goals
Goal 1: Independent school districts and institutions of higher education will implement purposeful and collaborative outreach efforts to inform all students and parents of the benefits and costs of dual credit including enrollment and fee policies. Measures of Implementation and examples of items to include in documentation: Collaboration between ISDs and IHE partner(s) to host informational sessions for students and parents on dual credit opportunities, benefits, and cost; ISD and IHE dual credit webpages reflect the most current dual credit program information including enrollment and fee policies, hosting dual credit 101 sessions for high school counselors, collaboration between ISDs and IHE partner(s) on a marketing campaign, documentation summarizing collaboration and outreach efforts of IHEs; and secondary school partners will be readily available and posted.	Goal 1: Provide high school students the opportunities to a smooth transition from high school into college. Continue to increase communication to all parties with our dual credit population. - Measurements of Implementation: - Constant collaboration with ISD partners. - Routine meetings with counselors and administrators. - Dual Credit Staff presents to students and parents several times throughout the year to share program information; such as; enrollment, college expectations, benefits, costs and student services. - Dual Credit webpage is updated routinely for current information. We routinely share updates and marketing materials with our partners to then share information to students and parents through handouts, email, text, and social media. - Dual Credit department maintains records of all dual credit events and tracks enrollment to best communicate with all students.
Goal 2: Dual credit programs will assist high school students in the successful transition to and acceleration through postsecondary education. Metric: Examples of items included in analysis: Student enrollment in postsecondary after high school; time to degree completion; semester credit hours to degree; analysis of measures in enrollment in and persistence through,	Goal 2: Continue to create and implement guided pathways for dual credit students that align with high school pathways and graduation requirements. - Metric: - Student enrollment in postsecondary after high school is tracked through THECB and internal data. - Time to degree completion and semester credit

postsecondary education disaggregated by student sub-population.	hours to degree is tracked through internal data. ▪ Analysis of measures in enrollment in persistence through postsecondary education, disaggregated by student subpopulation is tracked through internal data. ▪ Dual credit office performs transcript audits to determine hours to degree completion, student success, and graduation opportunities. ▪ The Dual Credit Department performs student academic advising with dual credit high school students per THECB rules.
Goal 3: All dual credit students will receive academic and college readiness advising with access to student support services to bridge them successfully into college course completion. ▪ Metric: ▪ Examples of items included in analysis: Student enrollment in postsecondary after high school ▪ Time to degree completion; decrease in excess number of semester hours beyond required hours to degree completion; analysis of measures in enrollment and degree completion disaggregated by student sub-population.	Goal 3: Continue to increase academic and transition advising to our dual credit population. ○ Metric: ▪ Student enrollment in postsecondary after high school is tracked through THECB and internal data. ▪ The Dual Credit Department performs transcript audits to determine time to degree completion, student success, and graduation opportunities. ▪ The Dual Credit Department performs academic and career goal advisement to establish a plan of enrollment for efficient use of courses in order to decrease the excess hours to completion. ▪ Collaboration with ISD's to offer more dual credit course offerings that are of high need/interest with student's field of study goals.
Goal 4: The quality and rigor of dual credit courses will be sufficient to ensure student success in subsequent courses. ○ Metric: Analysis of performance in subsequent course work.	Goal 4: ○ The Dual Credit Department, continuously analyzes student success by course by term, as well as, performs faculty evaluations to insure student success.

Eligible Courses

- Courses offered for college credit must be identified as college-level academic courses in the current edition of the Lower Division Academic Course Guide Manual (ACGM) adopted by the Texas Higher Education Coordinating Board, or as college-level workforce education courses in the current edition of the Workforce Education Course Manual (WECM) adopted by the Texas Higher Education Coordinating Board.

- A college course offered for dual credit must be: (A) in the core curriculum of the public institution of higher education providing the credit; (B) a career and technical education course; (C) a foreign language course; or (D) a college pathway course that satisfies specific degree plan requirements leading to the completion of a Board approved certificate; AA, AS, AAS degree program, or FOSC.
- Public colleges may not offer remedial and developmental courses for dual credit. ISD is encouraged to partner with Navarro College (as required by House Bill 5, 83rd Texas Legislature) to develop and provide courses in college preparatory mathematics and English Language Arts to prepare student for success in entry-level college courses
(See HB 5 MOU)

Student Eligibility

- High school students must meet all eligibility requirements set forth in the Texas Higher Education Coordinating Board rules, and demonstrate college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative to be eligible for enrollment in a dual credit course offered by a public college. Please reference the Dual Credit Testing Requirements for detailed score information.
- A student may enroll in workforce Education College courses contained in a Level 1 certificate program, or a program leading to a credential of less than a Level 1 certificate, at a public junior college or public technical institute in the eleventh and/or twelfth grade and shall not be required to provide any additional demonstration of college readiness. Students enrolling in a Level 2 certificate or applied associate degree program must demonstrate college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative.
- To be eligible for enrollment in a dual credit course offered by Navarro College, students must meet all the College's regular prerequisite requirements designated for that course (e.g., minimum score on a specified placement test, minimum grade in a specified previous course, etc.) to be eligible for enrollment in a college course offered by a public college.
- Ninth and tenth grade students with demonstrated outstanding academic performance and capability may be eligible to begin academic or technical college courses. Students must meet the following requirements prior to enrollment:
 - Must have a minimum overall average of 85, or an equivalent GPA, in the year preceding enrollment in college coursework.
 - Must be TSI complete in both TSI Writing and Reading or TSI Math and have successfully met the Texas Success Initiative (TSI) requirements (Reading and Writing, OR Math) for the desired college course.
 - Must have approval from the high school official, parent/legal guardian, and a Navarro College Dual Credit Coordinator.

Dual Credit Admissions

- Students must meet the following admission requirements:
 - Complete an application for Navarro College through Apply Texas.
 - Complete the online Dual Credit Enrollment Form on the NC Self-Service student portal. New students must have parent approval upon initial enrollment and all students must have high school official approval each semester enrolling.
 - Provide a current high school transcript. Incoming 9th graders may provide a final 8th grade report card.
 - Provide applicable test score reports to meet current college readiness standards and dual credit eligibility. Please reference the Dual Credit Testing Requirements page for further test score information.
 - Provide a vaccination record indicating a current bacterial meningitis vaccination if the student will be taking courses on the Navarro College campus.
- High school students who have completed 15 semester credit hours must see a Navarro College Academic Advisor or Navarro College Dual Credit Coordinator prior to enrolling in additional coursework. Students must select a Navarro College degree plan or program of study upon completion of 15 semester credit hours.
- High school students taking Navarro College courses are recognized as college students and will be treated as such, regardless of the course location. All Navarro College students, including students enrolled for dual credit, are expected to abide by the Navarro College Code of Conduct and Academic Decorum standards located in the Navarro College Student Handbook. A collegiate classroom environment is expected at all times.
- Navarro College courses, including those offered on high school campuses, may contain controversial material and mature content. Navarro College courses will not be tailored to high school learners. Parents and high school officials are encouraged to consider the maturity level of the individual student prior to approving that student's enrollment in college courses.
- Dual credit students who earn a Navarro College GPA of less than 2.0 may be removed from the dual credit program.
- Students must complete their sophomore year of high school to be eligible to enroll in summer course(s).

Additional enrollment requirements may apply.

Location of Class

- College courses may be taught on the college campus, on the high school campus, or via distance learning. In addition, college courses taught electronically shall comply with the Navarro College Standards for Quality Online Course Design and Instruction.

Deadline Requirements

- Please refer to the Navarro College Dual Credit Program deadlines for the dual credit enrollment periods. All course offering requests for the upcoming school year must be submitted to the Dual Credit Department no later than April 1st.

Composition of Class

College courses taught for dual credit may be composed of:

- Dual credit students only
- Dual credit and college credit students
- Dual credit and high school credit-only students if one of the following conditions apply:
 - The course is required by State Board of Education and the high school is otherwise unable to offer such a course.
 - The high school credit-only students are College Board Advanced Placement (AP) students.
 - The course is a career and technical or college workforce education course and the high school credit-only students are earning articulated college credit. Please note that Navarro College does not articulate credit. Therefore, all Navarro College career and technical dual credit course sections are for dual credit only and may not be mixed with regular high school students.

Faculty Selection, Supervision, and Evaluation

- Faculty members who are employed with the school district on a full-time basis and teach a Navarro College course, either inside or outside of their regular ISD duty hours, are considered employees of Navarro College for the purposes of the college course taught for dual credit and are required to meet all other Navarro College adjunct faculty requirements.
- The College shall approve instructors of college courses taught for dual credit. These adjunct faculty members must meet the same credentialing standards and complete the same approval processes as other faculty who are selected to teach the same courses at Navarro College. This includes, but is not limited to, adhering to the minimum requirements set by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
- The College cannot guarantee that a faculty member will be available to teach every dual credit course requested by the I.S.D.
- The College will supervise and evaluate instructors of college courses taught for dual credit using the same criteria and procedures as those used for other faculty at Navarro College.

Course Curriculum, Instruction, and Grading

- The College shall ensure that a college course taught for dual credit is equivalent to the corresponding course offered at Navarro College in relation to the curriculum, materials, instruction, method, and rigor of student evaluation. These standards must be maintained regardless of the student composition of the class.

- College courses taught for dual credit, regardless of location, will start and end with Navarro College's semester dates. Faculty will follow the College's calendar for all course planning, curriculum, reporting, and grading.
- College courses taught for dual credit must meet the appropriate contact hours required for each course taught.
- Final course grades must be submitted on the College's schedule.
- The only official grades currently assigned at Navarro College are mid-term and final course number grades. Navarro College does not assign progress grades to our college students. All course-grading conventions are stipulated in each instructor's course syllabus. Students are responsible for managing their status in their college course(s) and for reporting progress to their high school official. Students may obtain their current grade or course standing by the gradebook method outlined in their course syllabi. Grades provided by students should only be used as an academic check for intervention purposes and to monitor student success. As always, faculty report academic or behavioral concerns through Navarro College's Care Report system as appropriate.

Academic Policies and Student Support Services

- Regular academic policies applicable to courses taught at Navarro College also apply to college courses taught for dual credit. These policies include, but are not limited to, syllabus distribution, communication of grading policies to students, course drops, academic integrity, scholastic probation and suspension, student/instructor conflict resolution, and final course grade challenges.
- High school students in college courses are eligible to utilize the same support services that are afforded all Navarro College students. The College is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible.
- High school students requesting disability accommodations in their college classes must file with Navarro College's Disability Services Department at least two weeks prior to the start of each semester. Please refer to the Navarro College Student Handbook or Navarro College Catalog for additional information.

Transcription of Credit

- For dual credit courses, both high school and college credit should be transcribed immediately upon a student's completion of the college course.

Tuition and Fees

- Navarro College offers a dual credit discount for tuition and fees for the fall and spring terms only. Navarro County residents receive a 50% discount and residents outside of Navarro County receive a 51% discount. For current tuition and fee schedules, please refer to the Navarro College Website at: <https://www.navarrocollege.edu/costs-aid/>

Funding

The state funding for dual credit courses will be available to both public school districts and colleges based on the current funding rules of the State Board of Education.

Part II: Responsibilities of Navarro College

1. A Navarro College administrator or full-time faculty member may visit dual credit classes for evaluation purposes.
2. Navarro College will conduct an orientation session for I.S.D. faculty teaching Navarro College courses as needed.
3. Appropriate Navarro College faculty and/or administrators may review major examinations in each course to determine whether students are required to master the skills and concepts identified in the course syllabus.
4. Navarro College is responsible for maintaining a college transcript for each student. All courses will be identified on the college transcript as regular college-level courses.
5. Navarro College will work with the high school administration to determine which courses will be offered for dual credit and will review the list of dual credit courses annually.
6. Navarro College reserves the right to require a minimum number of students for enrollment in each course section. If the minimum is not met, Navarro College reserves the right to cancel the course offering. Navarro College cannot guarantee the availability of every course requested by the high school.
7. All reasonable accommodations for disability services and special needs must be approved by the Navarro College Disability Services Office.
8. Navarro College is responsible for maintaining the confidentiality of all student information and records as required by the Family Educational Rights and Privacy Act (FERPA). Students who wish to allow parents or guardians to access grades or other student information must complete the Navarro College Student Record Release Form available in the Navarro College Office of Admissions or MyNC Student Portal.
9. Navarro College reserves the right to deny continued enrollments for students who display unsatisfactory academic progress.
10. Navarro College reserves the right to deny enrollment or readmission for students who violate the Navarro College Student Code of Conduct.
11. Navarro College will provide academic advisement to all dual credit students who complete 15 semester credit hours.
12. Navarro College will collaborate with school administrators to schedule dual credit information sessions, parent meetings, advising sessions, and other related events.
13. Navarro College will provide routine updates to our service area partners about tuition and fees, enrollment policies and procedures, and deadlines.

Part III: Responsibilities of the Dual Credit Instructor

1. The instructor is responsible for providing any necessary employment documents and official college transcripts to the appropriate Navarro College dean or department chair.
2. The instructor shall meet all the same requirements and guidelines as other Navarro College adjunct faculty.
3. All Navarro College faculty are required to use their Navarro College email and to check it on a regular basis.
4. Each course must be taught using and conforming to the Navarro College course syllabus for each specific course.
5. The instructor is responsible for verifying the accuracy of the Navarro College class roster(s) and reporting discrepancies to the Registrar's Office prior to the official census date.
6. The instructor is responsible for teaching the material outlined in the College course syllabus and departmental requirements.
7. The instructor will adhere to the policies and practices of Navarro College. This includes using the approved departmental syllabus, textbook, and other related materials. The high school text may serve as a supplement, if necessary, to meet the TEKS requirements.
8. Faculty members teaching a dual credit course must record student grades in Navarro College's system in accordance with the College calendar and deadlines.
9. Faculty are required to inform students of course standing, grades, etc., and must comply with all Navarro College departmental and grading policies.
10. Faculty are encouraged to report progress or potential problems to the I.S.D. as requested.
11. Faculty may not give any accommodations to students without written approval from the Navarro College Disability Services Department.
12. Instructors should treat dual credit students in the same manner as other college students.
13. Dual credit instructors will attend Convocation and/or departmental meetings each fall and spring semester. New instructors will also need to attend Canvas training as well as any training provided by the department regarding topics such as publisher materials. Competency evaluations may be required when teaching a career and technical dual credit course. Any instructor teaching hybrid or online classes must complete Canvas training and be approved for online or hybrid courses prior to teaching them. Information about upcoming Canvas training is provided by Office of Media Integration.

Part IV: Responsibilities of the School District

1. The high school is responsible for maintaining the high school transcript.
2. Every semester, the designated high school official must approve each student's enrollment in college courses, regardless of whether the student is enrolling for dual credit or college credit only.
3. The I.S.D. must provide all final official high school transcripts for graduating seniors who have completed coursework with Navarro College. Official Navarro College transcripts will not be released until the final official high school transcript is on file.
4. The I.S.D. will provide Navarro College personnel with a school calendar (including teacher in-service days, holidays, and special events).
5. The I.S.D. will provide Navarro College faculty teaching courses on the high school campus with an overview and orientation to the high school facility and procedures.
6. The I.S.D. is responsible for covering all course time outside of the College calendar and regular meeting dates and times.
7. The high school must provide an adequate college learning environment and appropriately equipped classroom facilities for each dual credit course taught on the high school campus.
8. The I.S.D., a stakeholder in student success, will communicate issues and concerns to the appropriate dean in a timely manner.
9. The high school will establish the weighted value of college-credit courses in determining high school class rank and honor graduates.
10. All dual credit enrollment and schedule changes must be finalized with the Dual Credit Department prior to the first day of classes each semester.
11. The I.S.D. will provide Navarro College personnel a proposed course offering schedule and anticipated enrollment per course by the end of March for planning the upcoming school year.
12. The I.S.D. will provide Navarro College meeting dates and times for each scheduled college course section taught on the high school campus.
13. The I.S.D. will collaborate with Navarro College dual credit staff to establish dates for information sessions, parent meetings, and student advising sessions.
14. The I.S.D. will provide professional-level personnel, as needed, to assist with enrollment and advisement of dual credit students.
15. Dual credit students must have access to all online student resources provided by the College. The Navarro College website and library resources must not be blocked by the I.S.D.

16. The I.S.D. will schedule dual credit courses in a manner which minimizes student absences due to school related activities.
17. The I.S.D. will minimize interruptions during scheduled dual credit courses.

Part V: Responsibilities of the Student

1. All students in the program must have written approval from the high school principal or counselor as well as the student's parent or guardian.
2. In order for college credit to be awarded the student must be registered for the course and required tuition must be paid by the stated deadline.
3. Students anticipating completion of a certificate or degree must provide an updated current high school transcript and meet the graduation requirements as outlined in the Navarro College Admissions and Records policies and procedures. The student is responsible for applying for graduation. This includes monitoring the Navarro College student email and following instructions regarding any additional graduation requirements.
4. Students will be required to have the necessary college textbooks and course materials for each course in which the student is enrolled. These may be purchased by the student or provided by the I.S.D.
5. Student are expected to adhere to all policies of Navarro College and the I.S.D.
6. Students and their parents/guardians should communicate any dual credit questions or concerns to their high school counselor.
7. Students must complete a "Navarro College Student Record Release Form" to give permission for parents or designated individuals to have access to their student academic and/or financial records. Students may access this form through their MyNC Student Portal under the Admissions and Records page.
8. Navarro College expects all students to do their own schoolwork at all times. Any student found in violation of academic integrity is subject to instructional consequences as defined in the course syllabus or departmental handbook. This may include any of the following: a grade of zero, course failure, or removal from a program.
9. The student is required to use all Navarro College student portals and to keep all Navarro College passwords and access codes confidential.
10. Students are responsible for keeping up with their progress in their college courses and for communicating with their instructors for any clarifications, questions, or concerns.
11. Maintaining eligibility in University Interscholastic League (UIL) activities is the responsibility of the student.
12. High school students are not eligible for federal financial aid.

Part VI: Signatures of Authorization

With the understanding that this Dual Credit Program is being offered to assist students, Navarro College and the I.S.D. agree to the above.

APPROVAL SIGNATURES:

Navarro College Administrator Signature

ISD Administrator Signature

Date

WAXAHACHIE HS DUAL CREDIT CROSSWALK 2021-2022

Navarro College ID	Navarro College Course Title	NC Credit Hours	HS Course	HS Credits	Grade	Code	AAR Code
BIOL 1406/1407	Biology for Science Majors I & II	8	SRD 3	1	12	130037220	Science
CHEM 1405/1407	Intro to Chemistry I & II	8	SRD1	1	12	13037200	Science
CHEM 1411	General Chemistry	4	SRD3	0.5	12	13037200	Science
COSC 1301	Intro to Computing	3	Fundamental of Computer Sci	0.5	10	03580140	Tech Apps
ECON-2301	Principles-Economics Macro	3	Economics	0.5	12	03310300	Social Studies
EDUC 1301	Intro to Teaching Profession	3	Instr. Practices or Pract in Edu	1/2	11/12	13014400/130114500	CTE
EDUC 2301	Intro to Special Populations	3	Instr. Practices or Pract in Edu	1/2	11/12	13014400/130114500	CTE
ENGL-1301/1302	Composition I & II	6	English III & IV	1	11	03220300	English
ENGL-2322/2323	British Literature I & II	6	English IV	1	12	03220400	English
ENGL 2311	Business Technical Writing	3	English IV	1	12	03220400	English
GEOL-1401/1402	Earth Sciences Non Majors 1 & II	8	SRD 2	1	12	13037210	Science
GOVT-2305	Federal Government	3	United States Government	0.5	12	03330100	Social Studies
GOVT 2306	Texas Government	3	SSADV I	0.5	11/12	03380001	Social Studies Elective
HIST-1301/1302	United States History I & UU	6	United States History	1	11	03340100	Social Studies
MATH-1314	College Algebra	3	Pre Calculus	0.5	11/12	03101100	Math
MATH-2412	Pre-Calculus	3	Pre Calculus	0.5	11/12	03101100	Math
MATH 1314	College Algebra	3	Statistics	0.5	11/12	03102500	Math
MATH-1342	Elem. Statistical Methods	3	Statistics	0.5	11/12	03102500	Math
MUSI-1306	Music Appreciation	3	Music Theory-Music Appreciation I	0.5	10	03155600	Fine Arts
PSYC 2301	General Psychology	3	Psychology	0.5	10	03350100	Social Studies
PSYC 2314	Human Growth & Development	3	Human Growth	1	11	13014300	Other Elective
SOCI 1301	Intro to Sociology	3	Sociology	0.5	10	03370100	Social Studies
CTE DC Pathways							
CJSA 1312	Crime in America	3	Law Enforcement I	0.5	11/12	13029300	CTE
CJSA 1322	Intro to Criminal Justice	3	Principles of Law	0.5	11/12	13029200	CTE
CJSA 1342	Criminal Investigation	3	Law Enforcement II	0.5	11/12	13029400	CTE
CJSA 1317	Juvenile Justice System	3	Federal Law Enforcement	0.5	11/12	13029800	CTE
CJSA 1313	Comm. Resources in Correction	3	Correctional Services	0.5	11/12	13029700	CTE
CSME-1401	FYE Beau Camp-Cosmetology	4	Cosmo I	0.5	11	13025200	CTE
CSME-1505	Fund of Cosmetology	5	Principles of Cosmetology	1	11	13025050	CTE
CSME-1410	Intro to Haircutting & Related Theo	4	Cosmo I	0.5	11	13025200	CTE

CSME 2401	Principles-Hair Coloring & Theory	4	Cosmo I	1	12	13025300	CTE
CSME-1474	Principles of Nail and Skin Care	4	Cosmo II	0.5	11	13025200	CTE
CSME-2439	Advanced Hair Design	4	Cosmo II	0.5	12	13025300	CTE
CSME 2441	Prep for State Licensure	4	Cosmo II	0.5	12	13025300	CTE
CSME-2473	Adv Cosmetology Theory Appl	4	Cosmo II	0.5	12	13025300	CTE
WLDG-1423	Welding Safety, Tools, & Eq	4	Welding I	0.5	11/12	13032300	CTE
WLDG-1417	Intro to Layout & Fabrication	4	Welding II	0.5	11/12	13032400	CTE
WLDG-1428	Intro Shielded Metal Arc Wel	4	Welding I	0.5	11/12	13032300	CTE
WLDG-1430	Intro Gas Metal Arc Welding	4	Welding II	0.5	11/12	13032400	CTE

Waxahachie ISD
BOARD OF TRUSTEES

Date: August 9, 2021

Subject: Grading Guidelines

Consent Agenda

Background:

Waxahachie ISD provides grading guidelines to inform students, parent and staff of grading expectations and to insure consistent grading practices occur across all campuses.

2021-2022 Elementary (Grades PK-5) Grading Guidelines

2021-2022 Secondary (Grades 6-12) Grading Guidelines

2021-2022 Progress Report and Report Card Reporting Dates

2021-2022 UIL Eligibility Grade Check Dates

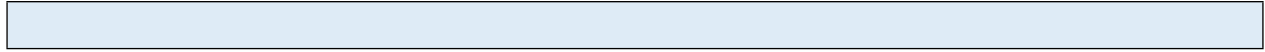
Recommendation:

Approve grading guidelines, progress/report card dates and UIL eligibility dates as presented.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **WISD Code of Conduct**



Background:

Changes to the Student Code of Conduct from TASB are highlighted for the Board's convenience.

Recommendation:

That the Board approve the Code of Conduct as presented.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

-

Subject: **Credit by Exam Dates**



Background:

The Texas Education Code (TEC) §28.023, allows students in secondary courses to earn credit for a course by examination. Credit-by-examination (CBEs) must be approved by each local board of trustees. The WISD CBE test methods and dates are attached.

Recommendation:

That the Board approve the methods and dates for Credit by Examination.

Credit by Examination (CBE)

CBE with prior instruction: Students may earn credits by examination (CBE) in any academic course that is required for graduation if the student *has **had** prior instruction but has **not** successfully passed* the course. The state of Texas Education Agency has determined four testing windows that school districts will offer CBE's testing. WISD administers CBE tests in conjunction with the Texas Tech University Independent School District (TTUISD) and /or University of Texas at Austin UT High School 4 times a year. The school district will determine and publicize in the community at the beginning of each school year the CBE testing dates that will take place between January 1 and March 31, April 1 and June 30, July 1 and September 30, and October 1 and December 31. A student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered credit by examination at any point during the school year. A student may take a specific examination only once during each testing window and may not attempt to earn CBE for a specific high school course more than two times. CBE scores will be reported by the testing institution to the school district and to the student within approximately 4-6 weeks. A student in any of Grades 6-12 may be given credit for an academic subject in which he or she had prior instruction if the student scores an average of 70% or higher is achieved on both semesters of the CBE that has been approved by the school district board of trustees for the applicable course. Exam fees apply and will be paid by the student to WISD prior to the exam. **Students that are denied credit due to excessive absences may not take a Credit by Exam to regain credit for that course.*

Note: Prospective college-bound athletes should be aware that NCAA programs do not recognize high school credits earned by Credit by Examination (CBE).

CBE without prior instruction: Students may earn credit by examination (CBE) in any academic course that is required for graduation other than courses that require a state assessment for End of Course (EOC) completion, if the student has ***not had** prior instruction* in that subject area. The state of Texas Education Agency has determined four testing windows that school districts will offer CBE's testing. WISD administers CBE tests in conjunction with the Texas Tech University Independent School District (TTUISD) and /or University of Texas at Austin UT High School 4 times a year. The school district will determine and publicized in the community at the beginning of each school year the CBE testing dates that will take place between January 1 and March 31, April 1 and June 30, July 1 and September 30, and October 1 and December 31. A student who is homeless or in substitute care who transfers to the district after the start of the school year to be administered credit by examination at any point during the school year. A student may take a specific examination only once during each testing window and may not attempt to earn CBE for a specific high school course more than two times. There is no charge for a first-time CBE for acceleration purposes; Second attempts will be paid for by the student's parent or guardian. CBE scores will be reported by the testing institution to the school district and to the student in approximately 4-6 weeks. If an average of 80% or higher is achieved on both semesters of the CBE that has been approved by the school district board of trustees for the applicable course, the student is given credit for the course and the school district must enter the examination score on the student's transcript.

CBE exam dates for the 2021-2022 school year will be as follows:
August 30-September 3, November 1-10, January 31-February 9, June 20-29

Updated 7/2021

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **District of Innovation Amendment Approval**



Background:

Lisa Mott presented information on the District of Innovation amendment during the Public Hearing portion of the meeting.

Recommendation:

That the Board approve the amendment to the WISD District of Innovation Plan.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2020**

Subject: **Property/Casualty Insurance**



Background:

At the request of Trustees from August 2020, the District conducted an RFP for various lines of insurance coverage with coverage to begin with the 2021-2022 school year.

We received two responses for our request for Property and Auto liability coverage, PEAT (current provider) and Texas Political Subdivisions (TPS). After reviewing the responses, the administration recommends securing insurance coverage with TPS for property/casualty, auto liability, errors & omissions, and general liability insurance.

Recommendation:

Award RFP for property/casualty, auto liability, errors & omissions, and general liability coverage.

TEXAS POLITICAL SUBDIVISIONS JOINT SELF-INSURANCE FUND

SUMMARY OF PROPOSAL

Waxahachie ISD

09-01-2021 to 09-01-2022

COVERAGE	DEDUCTIBLE	TOTAL CONTRIBUTION
General Liability	Various See Proposal Page	\$9,668
School Board Legal Liability	\$25,000 Per Claim	\$39,012
Auto Liability	Various See Proposal Page	\$36,663
Physical Damage	Various See Proposal Page	\$29,994
Garagekeepers	Various See Proposal Page	\$412
Property	Refer to Property Proposal	\$834,121
Electronic Data, Media and Hardware	\$1,000 Per Occurrence	Included
Contractor's Equipment	\$1,000 Per Occurrence	Included
Musical/Band Instruments & Uniforms	\$1,000 Per Occurrence	Included
Equipment Breakdown	\$10,000 Per Accident	Included
Crime	Refer to Crime Proposal	\$1,000
Cyber Liability	Refer to Highlights	Included in GL
Crisis Management	No Deductible Applies	Included at no charge
Foreign & Domestic Terrorism	\$10,000 Per Occurrence	Applies to Property coverage only
Total Contribution		\$950,870
SPECIAL CONDITIONS: <i>Due to the increased cost of Cyber Liability, TPS will now be charging for this coverage. The amount will be reflected in the GL Total Contribution.</i> <i>A completed and signed New Cyber Application will be required upon binding.</i> <i>Pricing contemplates TPS writing all lines of coverage quoted.</i> <i>This proposal shall automatically expire as of the effective date.</i> <i>Coverage must be bound prior to the inception date and all contributions are due according to the terms of our billing invoice.</i>		

Waxahachie Independent School District

Request for Proposal - Response Scoring Sheet

Responses to RFP #: 21-820 Property/Casualty & Auto

RFP Subject: Property/Casualty & Auto

Campus: District-wide

Initial Publication Date: _____

Second Publication Date: _____

Response Opening Date: 07/22/21

Time: 2:00 PM

	Vendor Exp	Cost of Services	References	Prior Relationship	Total
	35	50	10	5	100
PEAT	35	35	10	5	85
TPS	35	48	10	2	95

PEAT coverage does not include cyber security acts.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2020**

Subject: **Student Accident/Athletic Insurance**



Background:

At the request of Trustees from August 2020, the District conducted an RFP for various lines of insurance coverage with coverage to begin with the 2021-2022 school year.

We received two responses for our request for student accident/athletic coverage, Texas Kids First and Monarch Management Corp. After reviewing the responses, the administration recommends securing insurance coverage with Texas Kids First for student accident/athletic insurance.

Recommendation:

Award RFP for student accident/athletic insurance coverage.

Waxahachie Independent School District

Request for Proposal - Response Scoring Sheet

Responses to RFP #: 21-880 Student Accident/Athletic Insurance

RFP Subject: Student Accident/Athletic Insurance

Campus: District-wide

Initial Publication Date: _____

Second Publication Date: _____

Response Opening Date: 07/22/21

Time: 2:00 PM

	Vendor Exp	Cost of Services	References	Prior Relationship	Total
	35	50	10	5	100
Monarch Management Corp	35	48	10	0	93
Texas Kids First	34	46	10	5	95

2021-2022
Application for K-12 Blanket
Athletics and Activities
Accident Insurance



GENERAL INFORMATION

School/District Waxahachie ISD
 Address 411 North Gibson Street
 City Waxahachie State TX Zip 75165 County Ellis
 Telephone: (972) 923-4651 Fax: (972) 923-4658
 Policy Effective Date: 08/01/2021 1st Day of Football Practice: _____

ENROLLMENT DATA

Student Enrollment: Grades K -8 _____ Grades 9-12 _____
 Number of High Schools in District: 1 Number of Junior High/Middle Schools in District: 2

DEDUCTIBLE: \$ <u>0</u>		Plan Design				Interscholastic Football Rider	Premium
Texas Kids First Plan Selection <i>One plan selection per application only. If additional plans are desired please submit with a new application.</i>	Lone Star	Lone Star 2	Lone Star 3	Lone Star Special			
All School Activities and Athletics	☐	☐	☐	☐	Circle One Yes No	\$ _____	
All Interscholastic Athletics and Activities	☒	☐	☐	☐	☒ Yes No	\$ <u>32,530</u>	
All Interscholastic Athletics	☐	☐	☐	☐	Yes No	\$ _____	
All School Activities Excluding Athletics	☐	☐	☐	☐	N/A	\$ _____	

Any person who with intent to defraud or knowing that he or she is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement may be guilty of insurance fraud.

AUTHORIZED SIGNATURES

School Official Name (print): _____
 School Official Title (print): _____
 School Official Signature: _____ Date: _____
 Agent Name (print): Mel Thomas
 Agent Signature: Mel Thomas Date: 7-13-21

Return to:

Mel Thomas
 4801 Seaton Court
 Fort Worth, TX 76132

For Office Use Only:



Great American Student Accident & Health 2021 Application for Catastrophic Coverage

Legend Insurance Agency, 13931 Quail Pointe Drive, Oklahoma City, OK 73134

New _____ Renewal ☒

Requested Effective Date of Coverage: 8/01/2021 Quote Date: _____

School or District Name: Waxahachie ISD

Address: 411 North Gibson Street City: Waxahachie State: TX Zip: 75165

Number of Schools: Junior High: 2 Senior High: 1

Estimated Number of Students (per grade): Grades K-8: _____ Grades 9-12: _____

Eligible Classes: Junior High: ☒ Yes Senior High: ☒ Yes

_____ **Class I:** All registered Students of the School or School District, including all sports and activities (includes student coaches, student trainers and student managers).

Football: _____ Yes _____ No

☒ **Class II:** All registered Students of the School or School District, while participating in gym classes and extracurricular school activities, including intramural and interscholastic sports, such as football, band members, cheerleaders, majorettes, student coaches, student trainers and student managers. Coverage also includes supervised travel to and from such games and practice sessions.

Football: ☒ Yes _____ No

Desired Benefits:

☒ Accident Medical Expense:	\$10,000,000 Maximum Benefit
<i>(Excess Coverage)</i>	
☒ Accidental Death:	\$ 10,000 Maximum Benefit
☒ Accidental Dismemberment:	\$ 20,000 Maximum Benefit
☒ Catastrophic Cash Benefit:	\$100,000 Maximum Benefit
_____ Upgraded Catastrophic Cash Benefit:	\$500,000 Maximum Benefit

Premium: \$ 2,375.00

I hereby acknowledge that all answers and statements contained on this form and any attachments are complete and accurate. I also understand that no coverage will become effective until the application has been approved by the Company.

Official's Name (print): _____ Signature: _____

Title (print): _____ Date: _____

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2020**

Subject: **Workers Compensation Insurance**



Background:

At the request of Trustees from August 2020, the District conducted an RFP for various lines of insurance coverage with coverage to begin with the 2021-2022 school year.

We received two responses for our request for workers compensation insurance coverage, TPS and TASB RMF. After reviewing the responses, the administration recommends securing insurance coverage with TPS for workers compensation insurance.

Recommendation:

Award RFP for workers compensation insurance coverage.

Waxahachie Independent School District

Request for Proposal - Response Scoring Sheet

Responses to RFP #: 21-840 Workers Comp Insurance

RFP Subject: Workers Compensation Insurance

Campus: District-wide

Initial Publication Date: _____

Second Publication Date: _____

Response Opening Date: 07/22/21

Time: 2:00 PM

	Vendor Exp	Cost of Services	References	Prior Relationship	Total
	35	50	10	5	100
TPS	35	48	10	0	93
TASB RMF	35	40	10	5	90

TEXAS POLITICAL SUBDIVISIONS JOINT SELF-INSURANCE FUND

PROPOSAL

Waxahachie ISD

Rating Period

September 01, 2021 to September 01, 2022

COVERAGE for RATING PERIOD	LIMIT of LIABILITY	TOTAL ANNUAL CONTRIBUTION
Workers' Compensation Injury or Illness - Each Employee	Statutory	\$299,943
Employer's Liability Bodily Injury by Accident - Each Accident Bodily Injury by Disease - Each Employee Bodily Injury by Disease - Interlocal Agreement	\$100,000 \$100,000 \$500,000	Included
Total Annual Contribution		\$299,943

Payment Options:

- ☐ TPS Guaranteed Cost Quote offers a monthly pay plan as follows:
- | | |
|---------------------------------|----------|
| Initial installment of | \$45,612 |
| with 11 monthly installments of | \$23,121 |
- ☐ TPS Guaranteed Cost Quote offers a quarterly pay plan as follows:
- | | |
|----------------------------------|----------|
| Initial installment of | \$21,860 |
| with 3 quarterly installments of | \$69,361 |
- ☐ TPS Annual Pay Plan: \$299,943

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2020**

Subject: **Alternative Health Insurance Plans**



Background:

As discussed at the July meeting, the District is seeking to offer alternative health insurance plans for employees. These plans would not be through TRS-ActiveCare but the coverages would be very similar to TRS offerings.

The alternative health plans would offer our employees additional opportunities for health insurance with a reduced monthly premium for this coverage. With the amendment of our DOI plan, these alternative health plans can be officially offered to staff.

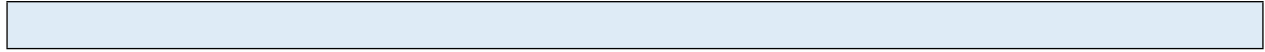
Recommendation:

Authorize the offering of alternative health insurance plans to staff.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **Region 18 Cooperative Agreement**



Background:

The District currently participates in the Region 18 purchasing agreement. This purchasing cooperative gives the district access to many different vendors to meet the supply and material needs of the District.

Recommendation:

Approve Region 18 Interlocal Purchasing Agreement.



Purchasing Cooperative Membership
Interlocal Agreement
2021 - 2022

SERVICE ABSTRACT

This interlocal agreement contract is made and entered into pursuant to the authority granted by Chapter 791 of the Texas Government Code and Chapter 8 of the Texas Education Code, by and between Waxahachie ISD (Cooperative Member) and Region 18 Education Service Center (Region 18 ESC). The Cooperative Member desires to participate in the 2021 - 2022 Purchasing Cooperative, commencing on June 23, 2021 to June 22, 2022, for the amount of \$900.00.

The Region 18 ESC Purchasing Cooperative was formed to reduce the cost of purchasing and bidding. Region 18 ESC, on behalf of the Cooperative Member, solicits a "Discount" RFP in effort to streamline the purchasing process for both vendors and Region 18 ESC Purchasing Cooperative Members.

Membership in the Purchasing Cooperative allows school Cooperative Members to make purchases from vendors listed on the Approved Vendor list without having to separately bid items. There are numerous vendors who respond to the Region 18 ESC Purchasing Cooperative Discount RFP.

EDGAR, TEA & HB 1295

This is to serve as certification of the Region 18 ESC Purchasing Cooperative's compliance with EDGAR and TEA (FASRG) policies. As a program of the Education Service Center, Region 18 located in Midland, Texas, the Region 18 ESC Purchasing Cooperative is required by law to follow the most restrictive procurement rules currently in effect. For micro-purchases below \$10,000, federal rules apply. In addition, per state rules, any Local Education Agency is best served with a local policy identifying a threshold below \$50,000 for which they do not require a competitive process. For purchases between \$10,001 and \$49,999, federal rules require price or rate quotations from an adequate number of qualified sources, making the federal rules more restrictive than those required by the State of Texas. At \$ 50,000 and above, state rules become more restrictive and must be followed. At \$250,000 and above, the federal rule is most restrictive in regard to the cost/price analysis and must be followed in conjunction with state rules.

The Region 18 ESC Purchasing Cooperative is unable to conduct the cost or price analysis in this final category because the exact purchase is only determined by our member(s) causing the analysis to be conducted by them once the exact purchase is determined. As such, there may be time you will need to do your own cost/price analysis due to it being impracticable or impossible for the Region 18 ESC Purchasing Cooperative to perform one as required by law. Department of Education General Administrative Regulations 200.318(e) – encourages non-2 CFR s federal entities to enter into state inter-entity agreements where appropriate for procurement or use of common or shared goods and services to foster greater economy and efficiency.

The Region 18 ESC Purchasing Cooperative must follow the same state and federal procurement rules that would apply if an LEA made the procurement themselves along with the appeals process, full and open competition, and ensuring adequate competition. Because at the time of procurement the Region 18 ESC Purchasing Cooperative is unable to determine which of its contracts will be used by our member(s) using federal funds, we will competitively procure each and every contract awarded under Section 44.031 of the Texas Education Code and will comply with EDGAR on every

procurement action. Concerning Texas HB 1295, as each LEA has their own Board Policies and their own thresholds where board action is required, the Region 18 ESC has not initiated the Certificate of Interested Parties (Form 1295). As such compliance with HB 1295 will be the responsibility of each member for purchases that meet the requirements as stated in HB 1295 and found on the State of Texas Ethics Commission website.

Participating Cooperative Members are responsible for the following:

- Taking board action to approve membership into the cooperative
- Paying the appropriate membership fee to Region 18 ESC
- Selecting and providing a purchase order number through the online ordering system
- Following ordering procedures as established, submitting purchase orders directly to the vendors
- Seeking resolution of all problems regarding billing, deliveries, quality/quantity with vendors

Region 18 ESC will provide the following services on behalf of Cooperative Members:

- Issuing invitations to RFP
- Posting legal notices
- Tabulating results for the Purchasing Cooperative Committee and Cooperative Members
- Providing participating Cooperative Members with procedures for purchasing from the cooperative
- Taking board action to approve membership into the cooperative as necessary

Notwithstanding anything to the contrary in this Contract, should the Cooperative Member pay for Services with Federal Funds, the Contract term shall be aligned to the grant period of availability as stated on the NOGA for the awarding agency providing source funding for the payments required herein.

The parties acknowledge that, should the Cooperative Members pay for Services with Federal Funds, federal competitive procurement processes, such as those set forth in 2 C.F.R §§200.318-323, were followed in securing the Contract.

Pursuant to changes in the EDGAR, Cooperative members may opt to make three (3) installments to ensure that ESC services have been rendered prior to paying an ESC invoice with Federal grant monies. Payments are due as follows:

- 34% November
- 33% February
- 33% May

SIGNATURES

The individuals signing below are authorized to do so by the respective Cooperative Member to this agreement.

For and on behalf of the
Cooperative Member

For and on behalf of
Region 18 ESC

Authorized Signature

Authorized Signature

Printed Name, Title

Printed Name, Title

Date

Date



Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **TASB Delegate and Alternate**



Background:

TASB's Delegate Assembly, composed of school district trustees from across Texas, is a crucial component of its governance structure. During the assembly delegates cast votes on resolutions that provide direction to the TASB board and staff in representing school district interests before state and national policy makers.

The 2021 Delegate Assembly will meet in conjunction with the TASA/TASB convention in Dallas on September 25, 2021. Waxahachie ISD representatives will hear reports from the TASB Board and its committees, elect association officers and trustees, and consider resolutions submitted by member districts.

During the 2020 Assembly Melissa Starnater represented WISD as the delegate and Debbie Timmermann as the alternate.

Recommendation:

The Administration recommends that the board designate a delegate and an alternate for the 2021 TASB Delegate Assembly in Dallas.

Waxahachie ISD
BOARD OF TRUSTEES

Date: **August 9, 2021**

Subject: **TASB Board of Directors Election**

Background:

On June 16th the administration sent an email asking if any members were interested in pursuing an open seat on the TASB Board. As there were no takers, the Board is encouraged to cast its votes outside of the district. Candidate information is attached.

Recommendation:

That the Board vote for one of the four candidates to be its representative on the TASB Board.