ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES

4250 Cook Road, Houston, Texas 77072
P.O. Box 68, Alief, TX 77411

www.aliefisd.net

REGULAR BOARD MEETING
Tuesday, April 15, 2025
6:30 PM

Notice is hereby given that the Board of Trustees of the Alief Independent School District will hold a Regular Board Meeting on Tuesday, April 15, 2025 at 6:30 PM in the Board Room of the Administration Building, 4250 Cook Rd, Houston, TX 77072.

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

One or more board members and/or presenters may participate in this meeting by videoconference. It is the intent of the district to have, and the meeting will have, a quorum of board members physically present at the meeting location. The meeting location will be equipped with video conference equipment.

The public may view the board meeting by watching the live stream of the meeting at the following link: https://video.aliefisd.net/show?video=436b1ee64ce7

Online posting found here: https://meetings.boardbook.org/Public/Organization/770

1. Call to Order
2. Pledge
3. Invocation or Inspirational Remarks
4. Board Recognitions
5. Superintendent Report (Dr. Anthony Mays, Alief ISD Superintendent)
6. Public Comments on Posted Agenda Items
7. Donation Report (Dee Jones, Business and Community Partner Coordinator) 7
8. Reports (Information Only. No discussion at the meeting unless requested by a Board member.)
    - 8.1. Construction Summary Report (Charles Woods, Deputy Superintendent of Business Services) 10
      Board Goal #2 Safe and Secure Alief: Alief ISD will maintain a safe and orderly environment.
    - 8.2. Financial Activity Report (Charles Woods, Deputy Superintendent of Business Services) 54
      Board Goal #5 Organizational Strength: Alief ISD will continue to improve the financial stability of the district.

8.3. Active Requests for Proposals for Procurement of Goods and Services (Charles Woods, Deputy Superintendent of Business Services) 61
Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.
8.4. Quarterly Investment Report (Charles Woods, Deputy Superintendent of Business) 63
Board Goal #5 Organizational Strength: Alief ISD will continue to improve the financial stability of the District.
9. Consent Agenda
9.1. Consider Approval of the Board Workshop Minutes held on April 1st, 2025. 68
9.2. Consider Approval of New Hires (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources) 73
Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.
9.3. Consider Approval of Resignation Report (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources) 75
Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.
9.4. Consider Approval of New Administrator (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources) 79
Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.
9.5. Consider Approval of Teacher Contract Recommendations (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources) 82
Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.
9.6. Consider Approval of an MOU between Alief ISD and Relay Graduate School of Education (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources) 83
Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.
9.7. Consider Approval of Budget Amendments (Charles Woods, Deputy Superintendent of Business Services) 98
Board Goal #5 Organizational Strength: Alief ISD will continue to improve the financial stability of the district.
9.8. Disbursement Report (Charles Woods, Deputy Superintendent of Business Services) 100
Board Goal #5 Organizational Strength: Alief ISD will continue to improve the financial stability of the district.
9.9. Consider Approval of RFP #2501 - Plumbing Contractor Services on an IDIQ Basis (Charles Woods, Deputy Superintendent of Business Services)
Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.
9.10. Consider Approval of RFP #2504 - Cafeteria Tables (Charles Woods, Deputy Superintendent of Business Services)
Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.
9.11. Consider Approval of contracts for Job Order Contract proposals (3) for

ROOFING SERVICES FOR DISTRICT WIDE ROOF IMPROVEMENT PROJECT – Lockwood, Andrews, Newnam Work Package #2 to Contractors via HCDE Choice Facility Partners Cooperative and TIPS Cooperative (Charles Woods, Deputy Superintendent of Business Services)

Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.

9.12. Consider Approval of RFP #2506 - Chiller Replacements at Multiple Campuses (Charles Woods, Deputy Superintendent of Business Services)

Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.

9.13. Consider Approval of RFP #2510 - Grease Trap, Lint Trap, and Wastewater Lift Station Cleaning Services (Charles Woods, Deputy Superintendent of Business Services)

Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.

9.14. Consider Approval of RFP #2511 - Telemedicine Services (Charles Woods, Deputy Superintendent of Business Services)

Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.

9.15. Consider Approval of Instructional Materials Certification for the 2025-2026 School Year (Kathleen Jahn, Deputy Superintendent of Curriculum and Instruction) 126

Board Goal #1 Student Achievement: Alief ISD will close the achievement gap to ensure all students reach their academic potential and improve student preparation for college and career.

9.16. Consider and Approve an Order Authorizing the Issuance of Alief Independent School District Unlimited Tax School Building Bonds, Series 2025; Setting Certain Parameters for the Bonds; Authorizing the Superintendent and Deputy Superintendent for Business to Approve the Amount, the Interest Rate, Price, including the terms thereof and certain other procedures and provisions related thereto. (Charles Woods, Deputy Superintendent for Business Services) 153

Board Goal #2 Safe and Secure Alief: Alief ISD will maintain a safe and orderly environment.

9.17. Consider Second Reading and Adoption of Additions, Deletions, and Revisions to Board Policies Included in TASB Localized Update 124 (Charles Woods, Deputy Superintendent of Business Services) 185

Board Goal #5 Organizational Strength: Alief ISD will continue to improve the financial stability of the District.

9.18. Tax Collection Report and Disbursements (Charles Woods, Deputy Superintendent of Business) 840

Board Goal #5 Organizational Strength: Alief ISD will continue to improve the financial stability of the District.

9.19. Consider Approval of Remote Homebound Instruction Waiver for identified Special Education Students (Kathleen Jahn, Deputy Superintendent of Curriculum and Instruction)

Board Goal #1 Student Achievement: Alief ISD will close the achievement gap to ensure all students reach their academic potential and improve student preparation for college and career.

9.20. Consider Approval of the 2025-2026 Communities in Schools Agreement (Kathleen Jahn, Deputy Superintendent of Curriculum and Instruction)
Board Goal #1 Student Achievement: Alief ISD will close the achievement gap to ensure all students reach their academic potential and improve student preparation for college and career.

9.21. Consider Approval of the CYS CARES MOU (Kathleen Jahn, Deputy Superintendent of Curriculum and Instruction)
Board Goal #1 Student Achievement: Alief ISD will close the achievement gap to ensure all students reach their academic potential and improve student preparation for college and career.

9.22. Consider Approval of the FUSE Partnership for Professional Learning in Math/ The University of Texas at Austin INTERLOCAL COOPERATION CONTRACT (Kathleen Jahn, Deputy Superintendent of Curriculum and Instruction)
Board Goal #1 Student Achievement: Alief ISD will close the achievement gap to ensure all students reach their academic potential and improve student preparation for college and career.

10. Non Consent Agenda

10.1. Budget and Legislative Update (Charles Woods, Deputy Superintendent of Business Services) 848
Board Goal #5 Organizational Strength: Alief ISD will continue to improve the financial stability of the district.

10.2. Consider Approval of Staffing Plan for 2025-26. (Charles Woods, Deputy Superintendent of Business). 885
Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.

10.3. Consider Approval of Compensation Plan for 2025-26. (Charles Woods, Deputy Superintendent of Business). 896
Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.

10.4. Digital Learning and Technology Update (Kathleen Jahn, Deputy Superintendent of Curriculum and Instruction) 908
Board Goal #1 Student Achievement: Alief ISD will close the achievement gap to ensure all students reach their academic potential and improve student preparation for college and career.

10.5. Consider Approval of the Alief Academic Calendar for 2026-2027 and 2027-2028 (Kathleen Jahn, Deputy Superintendent of Curriculum and Instruction)
Board Goal #1 Student Achievement: Alief ISD will close the achievement gap to ensure all students reach their academic potential and improve student preparation for college and career.

10.6. Consider, Discuss, and Potentially Take Action on the Administration's Recommendation to Propose the Nonrenewal of the Term Contract of a Bush Elementary School Teacher. (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources)
Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly

qualified and effective personnel.

10.7. Consider, Discuss, and Potentially Take Action on the Administration's Recommendation to Propose the Nonrenewal of the Term Contract of an Olle Middle School employee. (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources)

Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.

11. Board and Committee Reports

Reports and comments from board members regarding meetings and conferences attended, including board committee meetings; schools visited; community and district activities; new initiatives; education programs; and continuing education. The items may be discussed, but no final action will be taken on these items at this meeting.

12. Closed Executive Session

12.1. Consult with the District's attorneys on any subjects or matters authorized by law, including any matter listed on this meeting notice/agenda, pending or contemplated litigation, and proposed settlements.
(Tex. Gov't Code § 551.071)

12.2. Deliberate the duties, responsibilities, evaluation, employment, and dismissal of personnel and officers, including the Board and Superintendent and as it pertains to any item listed on this notice/agenda. (Tex. Gov't Code § 551.074)

12.3. District Vulnerability Assessment Full Report (TEX GOV'T CODE §551.076, 551.089) (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources)

Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.

12.4. Discuss Districtwide Intruder Detection Audit Report Findings. (TEX GOV'T CODE §551.076, 551.089) (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources)

Board Goal #2 Safe & Secure Alief: Alief ISD will maintain a safe and orderly environment.

13. Adjournment

If, during the course of the meeting covered by this Notice, the Board should determine that a closed or executive meeting or session of the Board should be held or is required in relation to any item included in this notice, then such closed or executive meeting or session as authorized by Section 551.001 et seq. of the Texas Government Code (the Open Meetings Act) will be held by the Board at that date, hour and place given in this notice or as soon after the commencement of the meeting covered by this notice as the Board may conveniently meet in such closed or executive meeting or session concerning any and all subjects and for any and all purposes permitted by Sections 551.001-551.084, inclusive, of the Open Meetings Act, including, but not limited to:

Section 551.071 – For the purpose of a private consultation with the Board's attorney on any or all subjects or matters authorized by law.

Section 551.072 – For the purpose of discussing the purchase, exchange, lease, or value of real property.

Section 551.073 – For the purpose of considering a negotiated contract for a prospective gift donation.

Section 551.074 – for the purpose of considering the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear complaints or charges against a public officer or employee.

Section 551.076 – To consider the deployment, or specific occasions for implementation, of security personnel or devices.

Section 551.082 – for the purpose of considering discipline of a public school child or children, or to hear a complaint by an employee against another employee, if the complaint or charge directly results in a need for a hearing.

Section 551.0821: For the purpose of deliberating a matter regarding a public school student if personally identifiable information about the student will necessarily be revealed by the deliberation;

Section 551.083 – for the purpose of considering the standards, guidelines, terms or conditions the Board will follow, or instruct its representatives to follow, in consultation with representatives of employee groups in connection with consultation agreements provided for by Section 13.901 of the Texas Education Code.

Section 551.084 – for the purpose of excluding witness or witnesses from a hearing during examination of another witness.

Section 551.089: For the purpose of deliberating security assessments or deployments relating to information resources technology, network security information as described by Section 2059.055(b), or the deployment, or specific occasions for implementation, of security personnel, critical infrastructure, or security devices.

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

a. the open meeting covered by the notice upon the reconvening of this public meeting, or
b. at a subsequent public meeting of the Board upon notice thereof, as the Board shall determine.

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of Donations

The Communication and Public Relations Department has received the following donations and gifts in kind from business partners, community members, and parent-teacher organizations. In accordance with Board policy, donations of $500.00 and over in value require Board approval.

$135,000.00		Donation of Free Assorted Appliance, Furniture and Household Goods to Alief ISD from Mr. Barrell Richardson-Amazon to be used for any Alief ISD families and staff.
$35,500.00		Donation of Free Concert Tickets to Alief ISD from Mr. Tobe Nwigwe to be used at any Alief ISD students and staff.
$27,239.00		Donation of Free Assorted Foods to Alief ISD from the Houston Food to be used for any Alief ISD Back Backpack Buddy Program students.
$25,150.25		Donation of Free Assorted Foods to Alief ISD from the Houston Food Bank- to be used for any Alief School Market Program students, staff and families.
$7,990.00		Donation of Free Food Coupons to Alief ISD from Mc Alister's Deli to be used for any Hastings Ninth Grade Center students.
$5,172.77		Donation of Free Assorted Foods and Gifts from Extreme Worship Church to Alief ISD to be used for any Klentzman families and staff.
$4,200.00		Donation of Free Assorted Breads and Pastries to Alief ISD from Panera Bread Bakery/Café to be used to for any Alief ISD students and staff.
$3,890.78		Donation of Free Assorted Clothing, Shoes and Accessories to Alief ISD from Trustee Dr. Lily Truong to be used for any Alief ISD students and staff.
$2,500.00		Donation of Free Assorted Furniture to Alef ISD from Mr. Charlie Le Blanc to be used for any ISD campus.

$2,000.00		Donation of Free Food Coupons to Alief ISD from Texas Roadhouse Restaurant to be use for any Alief ISD students.
$2,000.00		Donation of Free Food Coupons to Alief ISD from Domino's Pizza of to be used for any Alief ISD students.

Please note that the donor determines the value of the donation.

RECOMMENDATION: It is recommended that the Board of Trustees accept the donations totaling $250,642.02.



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Superintendent

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Construction Summary Report

Attached is a Construction Summary Report for all bond sales with current year activity for the 2003, 2015 and 2021 bond referendums.

On the 2021 Referendum report, projects listed as 99% complete are substantially completed, which indicates the project is completed to the point that the District is able to utilize the facility and/or equipment for its intended purpose. However, at substantial completion, vendors will still have ongoing punch list items to complete and contract amounts will not be fully paid to the vendor until all aspects of the project are brought to completion.

Recommendation: Information item – no recommendation required.

Dr. Anthony Mays
Superintendent

Charles Woods
Deputy Superintendent/
Business Services

Alief I.S.D.

Construction Board Report - Run On 04/04/2025

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : D0 2021 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	0.00	0.00	0.00	0.00	0.00	0.00
NAT	Natatorium	0.00	3,317,000.00	0.00	0.00	0.00	3,317,000.00
PRS	Pressbox	0.00	6,000,000.00	0.00	40,988.25	635,411.75	5,323,600.00
Total for Bond Sale D0 2021 Capital Projects		0.00	9,317,000.00	0.00	40,988.25	635,411.75	8,640,600.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E2 2017 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	0.00	69,256.55	0.00	0.00	0.00	69,256.55
A13	ADA Restrooms	1,335,000.00	726,305.46	726,305.46	0.00	-0.00	0.00
A93	Outley Addition	4,450,000.00	4,183,132.09	4,183,132.09	0.00	0.00	0.00
BUS	School Buses	1,500,000.00	1,894,618.67	1,894,618.67	0.00	0.00	0.00
C49	Career Center	39,500,000.00	21,737,613.18	21,737,613.18	0.00	0.00	-0.00
CHA	Carpet at Hastings Annex	0.00	40,837.77	40,837.77	0.00	0.00	0.00
COI	Cost of Issuance	0.00	218,084.04	218,084.04	0.00	0.00	0.00
CRU	Crump	0.00	197,339.29	102,094.55	0.00	-0.00	95,244.74
CTX	Centegix	0.00	1,504,100.00	1,504,100.00	0.00	0.00	0.00
ECL	Elsik Door Locks	0.00	70,582.27	70,582.27	0.00	-0.00	0.00
EFH	Elsik Field House	0.00	128,040.00	0.00	0.00	0.00	128,040.00
ESF	Softball Field	334,000.00	1,467,907.64	1,467,907.64	0.00	0.00	-0.00
F40	Foundation Repairs	0.00	246,960.00	0.00	0.00	115,650.00	131,310.00
FCR	Carpet Replacement Evaluation	1,015,000.00	354,000.00	354,000.00	0.00	0.00	0.00
FEN	Fencing	0.00	381,331.00	310,752.52	0.00	0.00	70,578.48
FFA	Fire Alarm	144,000.00	17,022.00	17,022.00	0.00	0.00	-0.00
FHV	HVAC	4,737,000.00	5,085,504.89	5,085,504.89	0.00	0.00	-0.00
FPK	Fullday PreK	0.00	5,424,838.58	5,397,681.08	26,857.50	-0.00	300.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E2 2017 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
FRF	Roof Replacement	5,234,000.00	4,849,141.59	4,849,141.59	0.00	0.00	0.00
G17	MS Gym Additions	15,580,000.00	15,207,522.30	15,207,522.30	0.00	-0.00	-0.00
HDL	Hastings Door Locks	0.00	110,670.11	110,670.11	0.00	0.00	-0.00
HSL	Howell Sugarland Sidewalk	0.00	170,752.50	170,752.50	0.00	0.00	0.00
HVE	HVAC-Elsik	0.00	1,480,326.47	1,480,326.47	0.00	0.00	0.00
HVN	HVAC-NGC	0.00	2,442,687.63	2,265,948.65	140,221.88	36,517.10	0.00
HWP	Hastings Water Pipe	0.00	40,607.00	40,607.00	0.00	0.00	0.00
MQE	Marquee Elementary	0.00	1,097,750.00	1,097,750.00	0.00	0.00	0.00
NAT	Natatorium	0.00	43,089.00	43,089.00	0.00	0.00	0.00
OCT	O'Donnell Cooling Tower	0.00	49,999.00	0.00	49,999.00	0.00	0.00
OER	Olle Ensemble Room	306,000.00	302,000.00	302,000.00	0.00	0.00	0.00
PAA	Paving at Alexander	0.00	6,410.00	6,410.00	0.00	0.00	0.00
PAV	Paving at Transportation	0.00	265,376.85	265,376.85	0.00	0.00	0.00
PDR	Police Dept Radios	0.00	0.00	0.00	0.00	0.00	0.00
PDV	Police Department Vehicle	0.00	465,100.00	418,612.32	0.00	0.00	46,487.68
PLL	Parking Lot Lighting (LED)	0.00	95,000.00	78,207.06	0.00	0.00	16,792.94
PLV	Parking Lot Vehicle	0.00	0.00	0.00	0.00	0.00	0.00
S15	Safety Vestibules	5,900,000.00	7,268,365.40	7,268,365.40	0.00	-0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E2 2017 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
SDL	School Door Locks	0.00	303,738.77	303,738.77	0.00	-0.00	0.00
SSV	Stop School Violence	0.00	162,000.00	162,000.00	0.00	0.00	0.00
UDT	Underwriter's Discount	0.00	482,842.30	482,842.30	0.00	0.00	0.00
W21	Cummings Wall Flashing	0.00	26,000.00	26,000.00	0.00	0.00	0.00
WHF	Warehouse Freezer	0.00	2,221,242.06	2,221,242.06	0.00	0.00	-0.00
WRS	Weight rooms	500,000.00	2,712,316.24	2,712,316.24	0.00	0.00	-0.00
Total for Bond Sale E2 2017 Capital Projects		80,535,000.00	83,550,410.65	82,623,154.78	217,078.38	152,167.10	558,010.39

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E3 2018 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	442,000.00	81,359.88	0.00	0.00	0.00	81,359.88
BSF	Basebll and Softball Fields	0.00	1,365,000.00	0.00	0.00	1,202,554.00	162,446.00
BUS	School Buses	1,500,000.00	1,499,976.00	1,499,976.00	0.00	0.00	0.00
COI	Cost of Issuance	0.00	126,827.63	126,827.63	0.00	0.00	0.00
CSB	Crump Score Board	0.00	1,229,250.00	743,473.47	100,000.00	9,250.00	376,526.53
F40	Foundation Repairs	0.00	326,450.00	326,450.00	0.00	0.00	0.00
FCR	Carpet Replacement Evaluation	874,000.00	890,964.44	890,964.44	0.00	0.00	0.00
FEN	Fencing	0.00	0.00	0.00	0.00	0.00	0.00
FEV	Elevators	614,000.00	447,908.57	447,908.57	0.00	0.00	0.00
FFA	Fire Alarm	215,000.00	169,618.20	169,618.20	0.00	0.00	0.00
FHV	HVAC	5,807,000.00	5,366,831.15	5,366,831.15	0.00	-0.00	0.00
G19	Chan/Mahanay Gym Floors	80,000.00	52,643.00	52,643.00	0.00	0.00	0.00
MPC	Multi-Purpose Center	5,790,000.00	5,761,401.68	5,761,401.68	0.00	0.00	-0.00
PLL	Parking Lot Lighting (LED)	0.00	25,000.00	10,321.78	5,175.00	0.00	9,503.22
RAM	Roof - AMS	220,000.00	194,760.00	194,760.00	0.00	0.00	0.00
RKL	Roof - Killough	2,151,000.00	1,629,099.00	1,629,099.00	0.00	0.00	0.00
RSM	Roof - Smith	971,000.00	773,760.00	773,760.00	0.00	0.00	0.00
RTY	Roof - Taylor	4,221,000.00	3,781,425.00	3,781,425.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E3 2018 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
S15	Safety Vestibules	4,630,000.00	4,546,811.08	4,546,811.08	0.00	0.00	0.00
SPK	DW Fire Sprinkler Repairs	0.00	4,200.00	4,200.00	0.00	0.00	0.00
TEM	Temp Bldg replacements	610,000.00	645,380.70	645,380.70	0.00	0.00	-0.00
UDT	Underwriter's Discount	0.00	84,411.72	84,411.72	0.00	0.00	0.00
Total for Bond Sale E3 2018 Capital Projects		28,125,000.00	29,003,078.05	27,056,263.42	105,175.00	1,211,804.00	629,835.63

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E4 2019 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	0.00	415,443.50	0.00	0.00	0.00	415,443.50
BMC	Building Management Control	0.00	100,000.00	100,000.00	0.00	-0.00	0.00
BSF	Basebll and Softball Fields	0.00	255,000.00	0.00	0.00	0.00	255,000.00
BUS	School Buses	1,500,000.00	1,493,454.00	1,493,454.00	0.00	0.00	0.00
CAM	Cameras	0.00	2,025,000.00	0.00	0.00	146,247.00	1,878,753.00
CAN	Entry Canopies	4,200,000.00	4,699,112.25	4,699,112.25	0.00	0.00	0.00
COI	Cost of Issuance	0.00	190,883.85	190,883.85	0.00	0.00	0.00
CPS	Partitions,Curtains,Etc	2,800,000.00	2,189,395.85	2,189,395.85	0.00	0.00	-0.00
CSS	Crump Seating	602,000.00	730,106.64	730,106.64	0.00	0.00	0.00
FCR	Carpet Replacement Evaluation	1,028,000.00	600,999.71	600,999.71	0.00	0.00	0.00
FEV	Elevators	1,276,000.00	698,977.62	698,977.62	0.00	0.00	-0.00
FFA	Fire Alarm	0.00	730,000.00	0.00	0.00	30,000.00	700,000.00
FHV	HVAC	988,000.00	253,322.35	253,322.35	0.00	0.00	0.00
G21	Gym Floor-Owens	32,000.00	20,648.00	20,648.00	0.00	0.00	0.00
GYM	Gym	0.00	32,334.00	32,334.00	0.00	0.00	0.00
HVE	HVAC-Elsik	12,000,000.00	12,768,397.34	12,768,397.34	0.00	0.00	-0.00
HVN	HVAC-NGC	0.00	0.00	0.00	0.00	0.00	0.00
HVO	HVAC- Olle	942,000.00	909,522.00	909,522.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E4 2019 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
MPC	Multi-Purpose Center	18,050,000.00	14,664,058.89	14,664,058.89	0.00	0.00	-0.00
REC	Reception Areas	843,000.00	59,010.00	59,010.00	0.00	0.00	0.00
RML	Roof - Miller	1,266,000.00	1,180,210.00	1,180,210.00	0.00	0.00	0.00
RRP	Restrooms	11,075,000.00	7,227,339.12	7,227,339.12	0.00	0.00	0.00
TEC	Technology	0.00	2,570,000.00	0.00	95,262.24	53,602.80	2,421,134.96
TFH	Taylor Field House	0.00	150,000.00	0.00	0.00	133,789.00	16,211.00
TRR	Track Repl-Elsik & Taylor	0.00	3,146,988.91	901,977.09	2,220,987.00	24,024.82	0.00
UDT	Underwriter's Discount	0.00	238,351.90	238,351.90	0.00	0.00	0.00
V33	Vinyl Wall Replac-various	0.00	0.00	0.00	0.00	0.00	0.00
VWC	Vinyl Wall Covering-Various	0.00	1,575,000.00	0.00	0.00	0.00	1,575,000.00
WHB	Warehouse Boiler Replacement	0.00	0.00	0.00	0.00	0.00	0.00
YLB	Library - Youens	963,000.00	840,550.11	840,550.11	0.00	0.00	0.00
Total for Bond Sale E4 2019 Capital Projects		57,565,000.00	59,764,106.04	49,798,650.72	2,316,249.24	387,663.62	7,261,542.46

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E5 2020 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	6,060,000.00	249,110.70	0.00	0.00	0.00	249,110.70
BUS	School Buses	1,500,000.00	2,959,505.00	2,959,505.00	0.00	0.00	0.00
COI	Cost of Issuance	0.00	165,232.02	165,232.02	0.00	0.00	0.00
DLK	Door locksets	0.00	81,047.55	0.00	81,047.55	-0.00	0.00
EMS	T bldgs Motion Sensor Install	100,000.00	0.00	0.00	0.00	0.00	0.00
FCR	Carpet Replacement Evaluation	1,804,000.00	1,802,516.08	1,802,516.08	0.00	-0.00	0.00
FFA	Fire Alarm	106,000.00	28,251.79	28,251.79	0.00	0.00	-0.00
FHV	HVAC	3,017,000.00	3,032,968.34	3,032,968.34	0.00	-0.00	0.00
FPK	Fullday PreK	32,100,000.00	32,250,513.00	32,250,513.00	0.00	0.00	-0.00
G22	Gym Floor Klentzman	40,000.00	23,625.00	23,625.00	0.00	0.00	0.00
HVE	HVAC-Elsik	11,879,000.00	8,603,511.67	8,603,511.67	0.00	0.00	0.00
HWB	HASTINGS WATER BOILER	0.00	63,000.00	0.00	0.00	61,039.00	1,961.00
IEB	Infrastructure-Electric Bus	0.00	2,000,000.00	0.00	92,386.40	128,313.60	1,779,300.00
NAT	Natatorium	0.00	6,683,000.00	0.00	0.00	0.00	6,683,000.00
RKE	Roof Replacement Kerr	357,000.00	348,805.00	348,805.00	0.00	0.00	0.00
UDT	Underwriter's Discount	0.00	130,008.50	130,008.50	0.00	0.00	0.00
WIN	Window Replacement	667,000.00	667,000.00	20,737.70	0.00	0.00	646,262.30
Total for Bond Sale E5 2020 Capital Projects		57,630,000.00	59,088,094.65	49,365,674.10	173,433.95	189,352.60	9,359,634.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E6 2021 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	9,317,000.00	3,341,615.36	0.00	0.00	0.00	3,341,615.36
ARB	Arbitrage Liability	0.00	1,416,562.59	0.00	0.00	0.00	1,416,562.59
BMC	Building Management Control	100,000.00	80,048.37	80,048.37	0.00	-0.00	0.00
BUS	School Buses	1,500,000.00	267,520.00	267,520.00	0.00	0.00	0.00
C41	Carpet Replacement	437,000.00	400,432.80	400,432.80	0.00	0.00	0.00
CMF	Crump Mercury Floor Removal	0.00	50,100.00	0.00	1,012.50	49,087.50	0.00
COI	Cost of Issuance	0.00	208,505.14	208,505.14	0.00	0.00	0.00
EMQ	Elisk Marquee Repair	0.00	33,863.00	33,863.00	0.00	0.00	0.00
F31	Distr wide foundation repair	0.00	5,400.00	5,400.00	0.00	0.00	0.00
FEN	Fencing	0.00	163,168.00	163,168.00	0.00	0.00	0.00
FPK	Fullday PreK	47,600,000.00	26,301,228.35	26,301,228.35	0.00	0.00	-0.00
FTK	Fuel Tank	0.00	92,291.48	92,291.48	0.00	0.00	0.00
GFL	Gym Floor Replacement	82,000.00	35,000.00	35,000.00	0.00	0.00	0.00
H44	District wide HVAC	0.00	0.00	0.00	0.00	0.00	0.00
HGB	Hastings G Building	0.00	5,192.00	5,192.00	0.00	0.00	0.00
HVD	HVAC District Wide	1,137,000.00	503,789.00	503,789.00	0.00	0.00	0.00
HVL	HVAC Liestman	229,000.00	0.00	0.00	0.00	0.00	0.00
HVT	HVAC Taylor	200,000.00	86,975.00	86,975.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : E6 2021 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
HVY	HVAC Youens	2,374,000.00	2,178,381.94	2,178,381.94	0.00	0.00	0.00
IEB	Infrastructure-Electric Bus	0.00	3,000,000.00	0.00	0.00	0.00	3,000,000.00
KMQ	Kerr Marquee	0.00	39,400.00	39,400.00	0.00	0.00	0.00
LB1	Libraries group 1	0.00	4,024,000.00	2,688,891.15	547,069.44	204,428.49	583,610.92
LB2	Libraries group 2	0.00	5,715,600.00	4,304,201.50	512,633.18	510,096.82	388,668.50
LB3	Libraries group 3	0.00	3,208,300.00	1,991,609.75	355,984.84	141,604.63	719,100.78
LB4	Libraries group 4	0.00	4,857,900.00	3,466,648.75	107,062.00	637,642.89	646,546.36
MOW	Mowers	0.00	67,383.00	67,383.00	0.00	0.00	0.00
PDV	Police Department Vehicle	0.00	40,914.25	40,914.25	0.00	0.00	0.00
RRF	Roof Replacement Partial	719,000.00	717,200.00	717,200.00	0.00	0.00	0.00
TCS	Track Crump Stadium	0.00	740,000.00	0.00	0.00	0.00	740,000.00
TEM	Temp Bldg replacements	0.00	32,530.82	0.00	0.00	0.00	32,530.82
TMQ	Taylor Marquee	0.00	42,900.00	42,900.00	0.00	0.00	0.00
TSO	Traffic Study Obligations	957,000.00	357,729.12	357,729.12	0.00	-0.00	0.00
TUR	Turf crump	0.00	1,601,960.45	1,601,960.45	0.00	0.00	-0.00
UDT	Underwriter's Discount	0.00	234,188.16	234,188.16	0.00	0.00	0.00
Total for Bond Sale E6 2021 Capital Projects		64,652,000.00	59,850,078.83	45,914,821.21	1,523,761.96	1,542,860.33	10,868,635.33

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F1 2022 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	1,060,000.00	3,272,931.81	0.00	0.00	0.00	3,272,931.81
A33	Classroom Additions (8)	8,380,000.00	6,501,568.34	6,501,568.34	0.00	0.00	0.00
ARB	Arbitrage Liability	0.00	355,572.58	0.00	0.00	0.00	355,572.58
ASC	Agriculture Science Center	0.00	4,500,000.00	0.00	0.00	0.00	4,500,000.00
B07	AMS Boiler	80,000.00	40,008.00	40,008.00	0.00	0.00	0.00
B08	Boiler-Holub & Killough	0.00	122,319.00	122,319.00	0.00	0.00	0.00
B09	Boiler - MIS & Holub	0.00	228,682.00	228,682.00	0.00	0.00	0.00
BMM	Mgmt Control Migration	390,000.00	869,508.45	869,508.45	0.00	0.00	-0.00
BPR	Boone Paving Repl	0.00	41,600.00	41,600.00	0.00	0.00	0.00
BUS	School Buses	1,700,000.00	1,848,490.00	1,848,490.00	0.00	0.00	0.00
BWS	Bus Wash	0.00	0.00	0.00	0.00	0.00	0.00
C20	Carpet Replacement-multiple	5,255,000.00	3,442,043.62	3,442,043.62	0.00	-0.00	0.00
C86	Paving-	320,000.00	320,000.00	13,202.00	0.00	0.00	306,798.00
CAM	Cameras	0.00	2,120,000.00	3,065.00	0.00	0.00	2,116,935.00
CCW	Cafe/Cross Corr Walls	0.00	1,496,500.00	1,496,500.00	0.00	0.00	0.00
CMH	Chiller-Mahanay & Hastings	0.00	0.00	0.00	0.00	0.00	0.00
COI	Cost of Issuance	0.00	235,000.00	235,000.00	0.00	0.00	0.00
EJS	Exterior Joint Sealant	0.00	177,200.00	177,200.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F1 2022 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
F36	Fencing additions/replacement	0.00	330,000.00	0.00	0.00	0.00	330,000.00
F40	Foundation Repairs	450,000.00	621,214.70	621,214.70	0.00	0.00	0.00
FFA	Fire Alarm	0.00	560,000.00	163,076.47	0.00	-0.00	396,923.53
G23	Petr/Best Generator	295,000.00	135,086.42	29,750.00	28,348.42	26,988.00	50,000.00
GFB	Bush Gym Floor	40,000.00	20,132.00	20,132.00	0.00	0.00	0.00
GPR	Gym Partition Replacement	0.00	550,000.00	0.00	0.00	0.00	550,000.00
GTH	Grease Trap-Heflin	0.00	6,892.00	6,892.00	0.00	0.00	0.00
HVC	Crossroads HVAC	640,000.00	244,800.00	244,800.00	0.00	0.00	0.00
HVK	Kennedy HVAC	6,660,000.00	0.00	0.00	0.00	0.00	0.00
HWH	Hastings Water Heater	0.00	97,222.38	97,222.38	0.00	0.00	0.00
HWL	Hastings Water Line	0.00	163,663.00	163,663.00	0.00	0.00	0.00
HWV	Heflin Water Valve	0.00	24,088.40	24,088.40	0.00	-0.00	0.00
J01	Chiller-Various	0.00	1,130,000.00	0.00	11,800.00	1,094,458.72	23,741.28
KQS	Kerr Quiet Space	0.00	44,478.18	44,478.18	0.00	-0.00	0.00
LAN	LAN Project Management	0.00	388,482.63	97,125.63	10,017.00	281,340.00	0.00
LFA	Liestman Fire Alarm	40,000.00	16,094.82	16,094.82	0.00	0.00	0.00
LRT	Taylor FH Laundry	80,000.00	47,677.48	47,677.48	0.00	0.00	0.00
PLH	Holmquist Playground Re	0.00	31,156.00	31,156.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F1 2022 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
PLL	Parking Lot Lighting (LED)	0.00	59,537.55	59,537.55	0.00	0.00	-0.00
PSW	Print Shop Water Pipe Repl	0.00	24,950.00	24,950.00	0.00	0.00	0.00
R21	Roof Replacement-Various	0.00	540,000.00	0.00	0.00	0.00	540,000.00
R45	Roof Replacement-various	1,265,000.00	0.00	0.00	0.00	0.00	0.00
RRC	Roof Repl-8 Classroom Addition	0.00	830,000.00	0.00	0.00	0.00	830,000.00
S17	Kalwall Repl Albright/Elsik	80,000.00	0.00	0.00	0.00	0.00	0.00
SBG	Smith Basketball Goal	0.00	21,151.00	21,151.00	0.00	0.00	0.00
SCB	MS/HS Scoreboards	0.00	258,335.00	0.00	93,593.00	0.00	164,742.00
SMK	Smoke Detectors	0.00	380,000.00	163,971.31	0.00	0.00	216,028.69
SPR	Heflin Sound Panel Repl	0.00	15,021.00	15,021.00	0.00	0.00	0.00
STG	Smart Tag	300,000.00	140,429.00	140,429.00	0.00	0.00	0.00
STH	Hastings Storefront	75,000.00	27,836.27	27,836.27	0.00	0.00	-0.00
T19	Track Resurface-Various	3,090,000.00	563,141.00	563,141.00	0.00	0.00	0.00
TBR	Taylor Boiler Replacement	0.00	93,994.00	93,994.00	0.00	0.00	0.00
UDT	Underwriter's Discount	0.00	139,009.60	139,009.60	0.00	0.00	0.00
W05	Sneed Retile Wall	25,000.00	22,316.58	22,316.58	0.00	0.00	0.00
W20	O'Donnell Wall Flashing	250,000.00	200,000.00	35,000.00	0.00	0.00	165,000.00
W22	Wall Flashing Districtwide	0.00	50,000.00	0.00	0.00	12,709.00	37,291.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F1 2022 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
WDR	Windows and Door Replacement	525,000.00	0.00	0.00	0.00	0.00	0.00
WPV	Warehouse Pneumatic Valve	0.00	165,101.91	165,101.91	0.00	0.00	-0.00
Total for Bond Sale F1 2022 Capital Projects		31,000,000.00	33,513,234.72	18,098,016.69	143,758.42	1,415,495.72	13,855,963.89

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F2 2023 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	0.00	6,640,248.97	0.00	0.00	0.00	6,640,248.97
AEQ	Art Equipment	600,000.00	600,000.00	0.00	27,556.99	558,161.48	14,281.53
AFR	Annex Freezer Replacement	330,000.00	330,000.00	0.00	0.00	215,580.00	114,420.00
ARB	Arbitrage Liability	0.00	1,550,532.39	0.00	0.00	0.00	1,550,532.39
ASC	Agriculture Science Center	7,500,000.00	7,500,000.00	50,200.00	229,400.00	278,200.00	6,942,200.00
ATC	Athletic Tennis Courts	2,310,000.00	2,310,000.00	101,292.50	857,088.20	390,979.30	960,640.00
AWL	Administration Water Line	130,000.00	149,564.10	149,564.10	0.00	0.00	0.00
BRT	Boone RTU Replacement	3,980,000.00	3,650,238.00	3,650,238.00	0.00	0.00	0.00
BSC	Bus Security Cameras	675,000.00	675,000.00	550,816.46	0.00	0.00	124,183.54
BUS	School Buses	2,400,000.00	2,400,000.00	2,400,000.00	0.00	0.00	0.00
C24	Hastings Carpet	2,090,000.00	1,220,577.60	1,220,577.60	0.00	0.00	0.00
C25	Taylor Carpet	2,110,000.00	685,476.50	685,476.50	0.00	0.00	0.00
C38	Rees Carpet	430,000.00	317,939.05	317,939.05	0.00	0.00	-0.00
CAN	Entry Canopies	5,200,000.00	5,200,000.00	4,935,725.63	1,307.00	365,509.37	-102,542.00 *
CCW	Cafe/Cross Corr Walls	4,180,000.00	4,180,000.00	3,193,494.18	14,782.09	6,825.00	964,898.73
CEQ	CTE Equipment	300,000.00	300,000.00	228,927.41	0.00	71,072.59	0.00
COI	Cost of Issuance	0.00	315,000.00	315,000.00	0.00	0.00	0.00
DFE	Dance Floor & Equipment	850,000.00	850,000.00	0.00	22,549.85	-0.00	827,450.15

* This negative balance is caused by a timing adjustment made for accounting purposes and will be resolved when the invoice is paid.

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F2 2023 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
ETT	Elsik & Taylor Turf	0.00	48,720.00	12,025.00	18,091.25	18,603.75	0.00
EVI	Entry Video Intercom	1,200,000.00	1,200,000.00	212,622.92	42,708.40	108,541.68	836,127.00
H80	Reuse for 2024 Bond Sale	0.00	0.00	0.00	0.00	0.00	0.00
HVK	Kennedy HVAC	6,660,000.00	6,660,000.00	4,169,830.16	122,213.98	0.03	2,367,955.83
HVN	HVAC-NGC	0.00	2,770,000.00	1,435,788.50	0.00	1,309,233.50	24,978.00
LAN	LAN Project Management	0.00	518,426.00	0.00	52,877.26	465,548.74	0.00
LB1	Libraries group 1	4,874,700.00	4,444,076.82	3,327,952.11	20,247.50	42,824.82	1,053,052.39
LB2	Libraries group 2	4,875,900.00	5,085,364.62	5,066,123.91	19,240.71	0.00	27 0.00
LB3	Libraries group 3	4,874,700.00	5,439,700.00	5,272,833.96	46,815.83	0.00	120,050.21
LB4	Libraries group 4	4,874,700.00	4,530,858.56	2,144,528.43	12,628.00	71,320.03	2,302,382.10
LFR	Library Bookcases/Furniture	800,000.00	800,000.00	0.00	0.00	0.00	800,000.00
MAH	Heflin Masonry Repairs	3,835,000.00	0.00	0.00	0.00	0.00	0.00
MUS	Music Instruments	2,500,000.00	2,500,000.00	51,830.93	34,965.00	2,412,520.37	683.70
PDV	Police Department Vehicle	500,000.00	500,000.00	364,946.07	0.00	0.00	135,053.93
PRR	Sound Proof Practice Rooms	150,000.00	150,000.00	0.00	0.00	0.00	150,000.00
PTU	Petrosky RTU Replacement	660,000.00	563,026.38	563,026.38	0.00	0.00	0.00
R21	Roof Replacement-Various	0.00	2,140,000.00	0.00	0.00	0.00	2,140,000.00
RHB	Roof - Holub	5,240,000.00	5,240,000.00	0.00	0.00	0.00	5,240,000.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F2 2023 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
ROL	Roof-Olle	2,140,000.00	0.00	0.00	0.00	0.00	0.00
RRC	Roof Repl-8 Classroom Addition	850,000.00	2,210,000.00	0.00	0.00	0.00	2,210,000.00
S17	Kalwall Repl Albright/Elsik	810,000.00	0.00	0.00	0.00	0.00	0.00
T21	Tile Boone	180,000.00	24,930.98	24,930.98	0.00	0.00	0.00
TRR	Track Repl-Elsik & Taylor	0.00	53,754.04	53,754.04	0.00	0.00	0.00
UDT	Underwriter's Discount	0.00	158,797.40	158,797.40	0.00	0.00	0.00
VWC	Vinyl Wall Covering-Various	1,200,000.00	1,200,000.00	0.00	0.00	0.00	1,200,000.00
WDR	Windows and Door Replacement	575,000.00	0.00	0.00	0.00	0.00	28 0.00
Total for Bond Sale F2 2023 Capital Projects		79,885,000.00	85,112,231.41	40,658,242.22	1,522,472.06	6,314,920.66	36,616,596.47

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F3 2024 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	0.00	1,161,406.35	0.00	0.00	0.00	1,161,406.35
AHM	Air Handler-Maintenance	950,000.00	950,000.00	0.00	0.00	0.00	950,000.00
ARR	AMS Restroom Refurbish	680,000.00	680,000.00	0.00	0.00	411,600.00	268,400.00
B10	Bush/Hastings Boiler Repl	275,000.00	275,000.00	0.00	4,500.00	64,800.00	205,700.00
BMM	Mgmt Control Migration	410,000.00	410,000.00	240,500.00	77,577.64	0.00	91,922.36
BUS	School Buses	2,300,000.00	2,299,999.92	2,299,999.92	0.00	0.00	-0.00
C64	Carpet-	1,630,000.00	1,092,032.10	954,826.84	136,338.41	866.85	0.00
C86	Paving-	0.00	1,900,000.00	0.00	10,600.00	4,500.00	1,884,900.00
CEQ	CTE Equipment	350,000.00	350,000.00	0.00	0.00	247,727.93	102,272.07
COI	Cost of Issuance	0.00	162,653.67	162,653.67	0.00	0.00	0.00
DHS	Dugouts-Hastings Softball Fld	115,000.00	115,000.00	0.00	0.00	103,200.00	11,800.00
ETT	Elsik & Taylor Turf	4,770,000.00	4,279,427.00	2,276,183.00	1,905,856.00	1,423.50	95,964.50
G24	Gym Floors 2024	350,000.00	257,594.00	193,273.00	64,321.00	0.00	0.00
HRA	ALC Air Handler Replacement	410,000.00	410,000.00	0.00	123,341.44	0.00	286,658.56
J01	Chiller-Various	2,865,000.00	2,865,000.00	0.00	241,500.00	1,839,500.00	784,000.00
L13	Locker Conversion-Hast/Taylor	680,000.00	680,000.00	0.00	0.00	0.00	680,000.00
LAN	LAN Project Management	0.00	714,137.00	0.00	48,056.74	666,080.26	0.00
LB1	Libraries group 1	0.00	0.00	0.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F3 2024 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
LB2	Libraries group 2	0.00	0.00	0.00	0.00	0.00	0.00
LB3	Libraries group 3	0.00	0.00	0.00	0.00	0.00	0.00
LB4	Libraries group 4	0.00	0.00	0.00	0.00	0.00	0.00
LFR	Library Bookcases/Furniture	800,000.00	800,000.00	0.00	0.00	0.00	800,000.00
MUS	Music Instruments	2,050,000.00	2,050,000.00	0.00	0.00	1,775,527.32	274,472.68
N68	Maintenance LVT Flooring	30,000.00	30,000.00	0.00	0.00	0.00	30,000.00
OFS	Outdoor Field Scoreboards	280,000.00	280,000.00	0.00	5,921.00	197,367.00	76,712.00
OTC	Olle Tennis Courts	170,000.00	25,367.85	0.00	25,367.85	0.00	0.00
PGE	Playground Equipment	300,000.00	300,000.00	0.00	20,613.00	186,715.00	92,672.00
PSF	Print Shop Foundation	105,000.00	105,000.00	0.00	0.00	0.00	105,000.00
R21	Roof Replacement-Various	4,300,000.00	4,300,000.00	0.00	0.00	0.00	4,300,000.00
RCS	Renovate Carpentry Shop	40,000.00	40,000.00	0.00	0.00	0.00	40,000.00
RTL	RTU Replacement-Liestman	680,000.00	680,000.00	0.00	18,750.00	106,250.00	555,000.00
RTR	Restrooms-Transportation	70,000.00	70,000.00	0.00	0.00	0.00	70,000.00
TCF	Transportation Cameras/Fencing	1,900,000.00	1,900,000.00	0.00	0.00	0.00	1,900,000.00
TFU	Transp Facilities Upgrade	3,650,000.00	1,750,000.00	0.00	0.00	0.00	1,750,000.00
TRR	Track Repl-Elsik & Taylor	0.00	32,125.55	32,125.55	0.00	0.00	0.00
UDT	Underwriter's Discount	0.00	94,870.33	94,870.33	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F3 2024 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
WFD	Warehouse Frame & Doors	20,000.00	3,270.00	3,270.00	0.00	0.00	0.00
Total for Bond Sale F3 2024 Capital Projects		30,180,000.00	31,062,883.77	6,257,702.31	2,682,743.08	5,605,557.86	16,516,880.52

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F4 2025 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
B11	Horn Boiler replacement	70,000.00	70,000.00	0.00	0.00	0.00	70,000.00
BMM	Mgmt Control Migration	420,000.00	420,000.00	0.00	0.00	0.00	420,000.00
BUS	School Buses	2,400,000.00	2,400,000.00	0.00	0.00	0.00	2,400,000.00
C65	Carpet-Albri/Bude/Holub/Horn	2,983,000.00	2,983,000.00	0.00	0.00	0.00	2,983,000.00
C86	Paving-	2,405,000.00	2,405,000.00	0.00	20,100.00	22,700.00	2,362,200.00
CRC	Computer Replacement Cycle	4,100,000.00	4,100,000.00	0.00	0.00	0.00	4,100,000.00
G25	Generator-AMS	280,000.00	280,000.00	0.00	0.00	0.00	280,000.00
GFM	Gym Floor-Miller	50,000.00	50,000.00	0.00	0.00	27,030.00	22,970.00
GPR	Gym Partition Replacement	110,000.00	110,000.00	0.00	0.00	0.00	110,000.00
IWB	Interactive White Boards	6,000,000.00	6,000,000.00	0.00	0.00	0.00	6,000,000.00
J01	Chiller-Various	4,925,500.00	4,925,500.00	0.00	0.00	277,760.00	4,647,740.00
KAL	Kalwall-EHS/Albright/Alexander	950,000.00	950,000.00	0.00	0.00	0.00	950,000.00
LAC	Landis-HVAC	8,090,000.00	8,090,000.00	0.00	0.00	0.00	8,090,000.00
MMA	Masonry -Mahanay	1,360,000.00	1,360,000.00	0.00	0.00	0.00	1,360,000.00
MRP	Metal Roof-Petrosky	140,000.00	140,000.00	0.00	0.00	0.00	140,000.00
R21	Roof Replacement-Various	5,655,000.00	5,655,000.00	0.00	0.00	0.00	5,655,000.00
RRC	Roof Repl-8 Classroom Addition	180,000.00	180,000.00	0.00	0.00	0.00	180,000.00
RT5	Rooftop Units - 5 campuses	5,286,500.00	5,286,500.00	0.00	0.00	2,098,500.00	3,188,000.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : F4 2025 Capital Projects

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
TSD	Teacher/Student Devices	3,500,000.00	3,500,000.00	0.00	0.00	0.00	3,500,000.00
TSL	Theater Stage Lighting	1,330,000.00	1,330,000.00	0.00	0.00	0.00	1,330,000.00
WDR	Windows and Door Replacement	935,000.00	935,000.00	0.00	0.00	0.00	935,000.00
Total for Bond Sale F4 2025 Capital Projects		51,170,000.00	51,170,000.00	0.00	20,100.00	2,425,990.00	48,723,910.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X1 Fund 699 - Non-bond Capital Pr

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	0.00	60,454.04	0.00	0.00	0.00	60,454.04
A94	Outley Carpet	0.00	38,589.00	38,589.00	0.00	0.00	0.00
AEG	Ath Equip Gator	0.00	10,488.72	10,488.72	0.00	0.00	-0.00
AT1	Athletics-Softball Dugouts	0.00	2,382.82	2,382.82	0.00	0.00	0.00
AT2	Ahtletics-Elsik BB Lockers	0.00	2,000.00	2,000.00	0.00	0.00	0.00
AT3	Athletics-Elsik Scoreboard	0.00	7,325.00	7,325.00	0.00	0.00	0.00
AT4	Athletics-Hast BB Lockers	0.00	4,935.00	4,935.00	0.00	0.00	0.00
AT5	Athletics-Taylor Video	0.00	17,160.00	17,160.00	0.00	0.00	0.00
AT6	Athletics-HS Tennis Court	0.00	48,750.00	48,750.00	0.00	0.00	0.00
AT7	Athletics-Taylor Gym Curtain	0.00	8,000.00	8,000.00	0.00	0.00	0.00
BFS	Baseball Fence Signs	0.00	5,177.32	5,177.32	0.00	0.00	0.00
BUS	School Buses	0.00	0.00	0.00	0.00	0.00	0.00
C09	Chambers Carpet	0.00	81,702.57	81,702.57	0.00	0.00	0.00
C10	AlC Carpet	0.00	100,000.00	100,000.00	0.00	0.00	0.00
C11	Hastings G-Bldg Carpet	0.00	14,042.84	14,042.84	0.00	0.00	0.00
CR1	Renov. Alexander Front Office	0.00	0.00	0.00	0.00	0.00	0.00
CR2	Replace Cummings Clinic Floor	0.00	455.58	455.58	0.00	0.00	0.00
CR3	Replace Kennedy Lighting	0.00	12,275.00	12,275.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X1 Fund 699 - Non-bond Capital Pr

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
CR4	Youens Walkway	0.00	8,149.00	8,149.00	0.00	0.00	0.00
CR5	Youens Doors	0.00	8,752.00	8,752.00	0.00	0.00	0.00
DOG	K9	0.00	10,000.00	10,000.00	0.00	0.00	0.00
E18	Killough Main Entry Plaza	0.00	9,624.00	9,624.00	0.00	0.00	0.00
EQP	Wet Dry Vac	0.00	7,327.00	7,327.00	0.00	0.00	0.00
F31	Distr wide foundation repair	0.00	0.00	0.00	0.00	0.00	0.00
GRE	Grounds Equipment	0.00	75,791.40	75,791.40	0.00	-0.00	0.00
H97	HVAC - Pre K Problem	0.00	1,220.00	1,220.00	0.00	0.00	35 0.00
HGB	Hastings G Building	0.00	0.00	0.00	0.00	0.00	0.00
I12	Holub/Killough Gym Curtains	0.00	15,990.00	15,990.00	0.00	0.00	0.00
I13	Olle Gym Curtains	0.00	12,330.00	12,330.00	0.00	0.00	0.00
KMQ	Kerr Marquee	0.00	0.00	0.00	0.00	0.00	0.00
KTC	Kerr Tennis Courts	0.00	3,411.04	3,411.04	0.00	0.00	0.00
M31	Smith Casework	0.00	146,330.80	146,330.80	0.00	0.00	-0.00
M32	Districtwide Door/Hardware	0.00	29,596.24	29,596.24	0.00	0.00	0.00
M33	Albright Gym Curtains	0.00	6,500.00	6,500.00	0.00	0.00	0.00
M34	Holub Gym Door Replacement	0.00	2,224.80	2,224.80	0.00	0.00	0.00
M35	Districtwide Toilet Partitions	0.00	27,877.21	27,877.21	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X1 Fund 699 - Non-bond Capital Pr

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
M36	Hastings Woodshop Door	0.00	5,400.00	5,400.00	0.00	0.00	0.00
M37	Best Fire Alarm	0.00	82,710.84	82,710.84	0.00	0.00	0.00
M38	Elsik Annex Fire Alarm	0.00	76,335.00	76,335.00	0.00	0.00	0.00
M40	O'Donnell Fire Alarm	0.00	151,900.87	151,900.87	0.00	0.00	0.00
M41	Sneed Fire Alarm	0.00	82,375.83	82,375.83	0.00	0.00	0.00
M42	Districtwide Loaner DVR's	0.00	51,762.68	51,762.68	0.00	0.00	0.00
M43	Chambers PA/Intercom	0.00	16,229.00	16,229.00	0.00	0.00	0.00
M44	Chancellor PA/Intercom	0.00	15,996.90	15,996.90	0.00	0.00	0.00
M45	Hearns Pa / Intercom	0.00	16,436.40	16,436.40	0.00	0.00	0.00
M46	Kerr PA/Intercom	0.00	1,633.61	1,633.61	0.00	0.00	0.00
M47	O'Donnell PA/Intercom	0.00	1,633.61	1,633.61	0.00	0.00	0.00
M48	Alarms-Clasroom Additions	0.00	4,859.01	4,859.01	0.00	0.00	0.00
M49	Bush Security Alarm	0.00	14,764.90	14,764.90	0.00	0.00	0.00
M50	NGC Security Alarm	0.00	32,226.16	32,226.16	0.00	0.00	-0.00
M51	Chancellor Video Delivery Syst	0.00	5,000.00	5,000.00	0.00	0.00	0.00
M52	Kerr Video Delivery System	0.00	5,075.16	5,075.16	0.00	0.00	0.00
M53	O'Donnell Video Delivery Syst	0.00	8,851.65	8,851.65	0.00	0.00	0.00
M54	Hastings Fan Coil Rep/Sci	0.00	9,623.06	9,623.06	0.00	0.00	-0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X1 Fund 699 - Non-bond Capital Pr

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
M55	Maint. Restroom Exhaust Fan	0.00	1,141.93	1,141.93	0.00	0.00	0.00
M56	Elsik Domestic Water Line Repl	0.00	111,906.03	111,906.03	0.00	0.00	0.00
M57	Elsik Floor Sink Installation	0.00	0.00	0.00	0.00	0.00	0.00
MDV	Maintenance Dept Vehicles	0.00	130,189.50	130,189.50	0.00	0.00	0.00
MOW	Mowers	0.00	0.00	0.00	0.00	0.00	0.00
MUS	Music Instruments	0.00	244,348.75	244,348.75	0.00	0.00	-0.00
MVN	Mailroom Van	0.00	46,731.00	46,731.00	0.00	0.00	0.00
P59	Natatorium Pool & Equip Upgrad	0.00	14,911.00	14,911.00	0.00	0.00	0.00
PDV	Police Department Vehicle	0.00	0.00	0.00	0.00	0.00	0.00
PWR	Powerwash	0.00	16,500.00	16,500.00	0.00	0.00	0.00
R10	AMS Roof	0.00	556,687.00	556,687.00	0.00	0.00	0.00
R11	Cummings Roof	0.00	673,400.00	673,400.00	0.00	0.00	0.00
R12	Elsik Fieldhouse Roof	0.00	88,142.00	88,142.00	0.00	0.00	0.00
R13	Hastings Fieldhouse Roof	0.00	97,637.00	97,637.00	0.00	0.00	0.00
R14	Natatorium Roof	0.00	156,239.00	156,239.00	0.00	0.00	0.00
R91	Restroom ADA work	0.00	11,454.36	11,454.36	0.00	0.00	-0.00
R92	Roof Replacement Radio Room	0.00	10,575.00	10,575.00	0.00	0.00	0.00
SAS	Safety and Security	0.00	26,825.00	26,825.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X1 Fund 699 - Non-bond Capital Pr

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
TAH	Tahoe	0.00	53,667.50	53,667.50	0.00	0.00	0.00
TMQ	Taylor Marquee	0.00	0.00	0.00	0.00	0.00	0.00
TPL	Tech Plan	0.00	952,264.50	952,264.50	0.00	0.00	-0.00
TTC	Taylor Tennis Courts	0.00	2,004.00	2,004.00	0.00	0.00	0.00
TVH	Transportation Vehicles	0.00	272,839.90	139,698.90	133,141.00	0.00	0.00
V30	DW Video Delivery Systems	0.00	9,303.19	9,303.19	0.00	0.00	-0.00
VEH	Maintenance Vehicles	0.00	158,225.03	158,225.03	0.00	0.00	0.00
VFD	Districtwide Loaner DVR's	0.00	64,967.20	64,967.20	0.00	0.00	0.00
WEQ	Warehouse Equipment	0.00	50,000.00	0.00	36,671.08	9,800.00	3,528.92
WHV	Warehouse Vehicles	0.00	68,160.80	68,160.80	0.00	0.00	0.00
WMS	Wireless Microphone System-Cru	0.00	3,473.38	3,473.38	0.00	0.00	0.00
Total for Bond Sale X1 Fund 699 - Non-bond		0.00	5,183,269.13	4,939,674.09	169,812.08	9,800.00	63,982.96

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X6 2014 Transfer

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	294,000.00	19,050.35	0.00	0.00	0.00	19,050.35
A11	Warehouse firealarm replacemen	35,000.00	0.00	0.00	0.00	0.00	0.00
A12	Firealarm replacemt distr wide	275,000.00	50,000.00	50,000.00	0.00	0.00	0.00
AFT	Above ground fuel tank	0.00	103,563.64	103,563.64	0.00	0.00	0.00
AGB	Ag Barn work	0.00	42,289.30	42,289.30	0.00	0.00	-0.00
ASB	Asbestos Abatement Work	92,000.00	91,928.36	91,928.36	0.00	-0.00	0.00
ASL	Annex Locks	0.00	20,117.60	20,117.60	0.00	0.00	0.00
BOX	Box Truck	0.00	70,000.00	0.00	0.00	0.00	70,000.00
BPU	Business Plus Upgrade	0.00	39,165.00	39,165.00	0.00	0.00	0.00
BUS	School Buses	1,422,410.00	1,923,388.00	1,923,388.00	0.00	0.00	0.00
C37	O'Donnell Carpet replacement	400,000.00	0.00	0.00	0.00	0.00	0.00
CSA	Campus Security Assessment	0.00	48,354.06	48,354.06	0.00	0.00	0.00
DMS	Document Management Software	0.00	79,791.12	79,791.12	0.00	0.00	0.00
E26	Electronic Marquees	0.00	39,416.66	39,416.66	0.00	0.00	0.00
EMQ	Elisk Marquee Repair	0.00	0.00	0.00	0.00	0.00	0.00
EMS	T bldgs Motion Sensor Install	30,000.00	0.00	0.00	0.00	0.00	0.00
F20	Fence District	0.00	94,979.50	94,979.50	0.00	0.00	0.00
F31	Distr wide foundation repair	482,000.00	492,103.69	492,103.69	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X6 2014 Transfer

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
F32	H&T Outfield fence replacemt	18,000.00	15,362.53	15,362.53	0.00	0.00	0.00
FHV	HVAC	0.00	941,342.05	941,342.05	0.00	0.00	-0.00
H44	District wide HVAC	50,000.00	6,184.41	6,184.41	0.00	0.00	0.00
H45	District wide HVAC work	2,111,500.00	256,565.53	256,565.53	0.00	-0.00	0.00
H46	HVAC-replace starter Budewig	0.00	0.00	0.00	0.00	0.00	0.00
H47	HVAC 115 105 106	0.00	2,013,357.50	2,013,357.50	0.00	-0.00	0.00
HIM	Hastings Ice Machine	0.00	0.00	0.00	0.00	0.00	0.00
K02	District wide Kiln replacement	25,000.00	4,955.00	4,955.00	0.00	0.00	0.00
KBR	Kerr Blue Ribbon Graphics	0.00	3,474.38	3,474.38	0.00	0.00	0.00
L08	Olle lift station refurbish	17,500.00	17,500.00	17,500.00	0.00	0.00	0.00
L12	Light Boards	0.00	28,185.00	28,185.00	0.00	0.00	0.00
LAB	Student Learning Lab	643,500.00	344,925.61	344,925.61	0.00	0.00	0.00
MAR	Safety/Security Digital Marque	0.00	0.00	0.00	0.00	0.00	0.00
MPK	Mahanay Pre-K	0.00	15,409.89	15,409.89	0.00	0.00	0.00
P25	Sealcoat parking lots-Crump	150,000.00	0.00	0.00	0.00	0.00	0.00
P26	Tractor for Maintenance	0.00	44,529.28	44,529.28	0.00	0.00	0.00
P27	Galvanized water main	0.00	40,550.00	40,550.00	0.00	0.00	0.00
P59	Natatorium Pool & Equip Upgrad	0.00	14,000.00	14,000.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X6 2014 Transfer

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
P60	Holub Parking Lot Repairs	0.00	489,654.72	489,654.72	0.00	0.00	0.00
PLV	Parking Lot Vehicle	0.00	72,992.56	72,992.56	0.00	0.00	0.00
POE	Addition POE switch in data cl	195,000.00	185,168.25	185,168.25	0.00	0.00	0.00
PSC	Pure Storage Cabinet	0.00	0.00	0.00	0.00	0.00	0.00
PTR	Transportation Line Painting P	0.00	15,540.63	15,540.63	0.00	0.00	0.00
PWR	Powerwash	0.00	81,200.00	26,000.00	30,250.00	24,950.00	0.00
R15	Hastings Metal roof replacemt	53,000.00	75,675.00	75,675.00	0.00	0.00	0.00
R16	Olle&Elsik partial roof replac	105,000.00	104,187.00	104,187.00	0.00	0.00	0.00
R17	Roof&Wall repair-Rees	0.00	34,700.00	34,700.00	0.00	0.00	0.00
R18	Reinsulate units on roof-Natat	0.00	0.00	0.00	0.00	0.00	0.00
RAD	Police Dept Radios	0.00	12,325.00	12,325.00	0.00	0.00	0.00
RAP	Raptor Upgrade	0.00	36,795.20	36,795.20	0.00	0.00	0.00
RWL	Rees Water Line	0.00	83,880.00	83,880.00	0.00	0.00	0.00
S07	Skylight repairs-district wide	188,000.00	0.00	0.00	0.00	0.00	0.00
S08	Skylight replace	17,500.00	0.00	0.00	0.00	0.00	0.00
S09	District wide skylight replace	345,000.00	0.00	0.00	0.00	0.00	0.00
S10	Storm drain repairs-BearRam rd	130,000.00	0.00	0.00	0.00	0.00	0.00
SPH	Spark Park at Horn	0.00	0.00	0.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X6 2014 Transfer

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
SPM	Spark Park at Mahanay	0.00	0.00	0.00	0.00	0.00	0.00
STF	Storefronts NGC	0.00	45,098.08	45,098.08	0.00	0.00	0.00
T40	Tennis Crt spectator cover-Cru	3,000.00	3,212.43	3,212.43	0.00	0.00	0.00
T59	Natatorium T-Building	0.00	40,752.60	40,752.60	0.00	-0.00	0.00
TAP	Trailer for Ag Program	0.00	0.00	0.00	0.00	0.00	0.00
TEM	Temp Bldg replacements	0.00	110,976.18	110,976.18	0.00	-0.00	0.00
TXB	Textbooks	2,500,000.00	1,870,677.00	1,870,677.00	0.00	0.00	0.00
UPS	UPS for Data closets	80,000.00	0.00	0.00	0.00	0.00	42 0.00
V30	DW Video Delivery Systems	15,000.00	0.00	0.00	0.00	0.00	0.00
V31	Alexander&Rees vinyl wall cove	120,000.00	113,936.80	113,936.80	0.00	0.00	0.00
W14	Chambers window replacement	37,000.00	0.00	0.00	0.00	0.00	0.00
W15	Clear story windows replace	0.00	16,975.00	16,975.00	0.00	0.00	0.00
WPB	Wifi install in portables	188,000.00	182,156.00	182,156.00	0.00	0.00	0.00
XPR	XP Advanced Replacement	5,000,000.00	4,895,874.67	4,895,874.67	0.00	-0.00	0.00
Total for Bond Sale X6 2014 Transfer		15,022,410.00	15,332,265.58	15,188,015.23	30,250.00	24,950.00	89,050.35

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X7 14/15 GOF Transfer

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
000	Unassigned	0.00	853.80	0.00	0.00	0.00	853.80
A12	Firealarm replacemt distr wide	168,500.00	252,601.00	252,601.00	0.00	0.00	0.00
A94	Outley Carpet	0.00	131,594.58	131,594.58	0.00	0.00	0.00
BUS	School Buses	2,426,214.00	2,652,460.00	2,652,460.00	0.00	0.00	0.00
C98	Carpet Best O'Donnell	697,000.00	615,910.07	615,910.07	0.00	0.00	0.00
DOG	K9	0.00	133,135.31	133,135.31	0.00	0.00	0.00
EWD	Elsik Water Damage	0.00	39,303.91	39,303.91	0.00	0.00	0.00
G16	Gym floor replacement evaluati	90,000.00	98,529.00	98,529.00	0.00	0.00	0.00
H45	District wide HVAC work	946,500.00	787,272.17	787,272.17	0.00	0.00	0.00
H48	Kerr Chiller Replacement	229,000.00	229,000.00	229,000.00	0.00	0.00	0.00
H49	HVAC Replacement	3,650,000.00	3,375,115.26	3,375,115.26	0.00	-0.00	0.00
HPC	Heavy Duty Paper Cutter	0.00	37,650.00	37,650.00	0.00	0.00	0.00
HSE	Hastings Elevator	0.00	49,557.10	49,557.10	0.00	0.00	0.00
HSP	Spark Park at Hearne	0.00	5,000.00	5,000.00	0.00	0.00	0.00
KSP	Spark Park at Kennedy	0.00	5,000.00	5,000.00	0.00	0.00	0.00
LES	Liestman eletrical switchgear	0.00	44,836.55	44,836.55	0.00	-0.00	0.00
LSP	Landis Spark Park	0.00	5,000.00	5,000.00	0.00	0.00	0.00
MPS	Martin Planters	0.00	23,577.00	23,577.00	0.00	0.00	0.00

FISCAL YEAR : 2025 PERIOD : 7

BOND SALE : X7 14/15 GOF Transfer

PROJ	DESCRIPTION	INITIAL APPROPRIATION	AMENDED BUDGET	PRIOR YEAR NET EXPEND	CURRENT YEAR NET EXPEND	NET ENCUMBRANCES	BALANCE
R20	Partial Roof Replacement	2,727,000.00	2,544,646.00	2,544,646.00	0.00	0.00	0.00
S07	Skylight repairs-district wide	164,000.00	77,263.62	77,263.62	0.00	0.00	0.00
S08	Skylight replace	121,000.00	121,000.00	121,000.00	0.00	0.00	0.00
S13	Skylight replacement	180,000.00	0.00	0.00	0.00	0.00	0.00
SPA	Spark Park Alexander	0.00	5,000.00	5,000.00	0.00	0.00	0.00
SPC	SPARK PARK COLLINS	0.00	5,000.00	5,000.00	0.00	0.00	0.00
SPK	DW Fire Sprinkler Repairs	0.00	0.00	0.00	0.00	0.00	0.00
T18	Track repairs and resurfacing	934,000.00	1,077,772.99	1,077,772.99	0.00	0.00	44 0.00
TAP	Trailer for Ag Program	0.00	31,915.00	31,915.00	0.00	0.00	0.00
TCH	Taylor Chiller	0.00	132,334.97	132,334.97	0.00	0.00	0.00
TEL	Telephone System	4,100,000.00	3,380,220.14	3,380,220.14	0.00	-0.00	0.00
V32	Hearne Vinyl	0.00	60,488.00	60,488.00	0.00	0.00	0.00
W17	Waterproofing/Thru wall flashi	60,000.00	79,264.03	79,264.03	0.00	0.00	0.00
Total for Bond Sale X7 14/15 GOF Transfer		16,493,214.00	16,001,300.50	16,000,446.70	0.00	0.00	853.80

2021 Referendum - March 2025 Construction Report

	2022 Bond Sale (649-F1)	2023 Bond Sale (650-F2)	2024 Bond Sale (651-F3)	2025 Bond Sale (652-F4)
Bond Par Amount	29,335,000.00	72,160,000.00	27,995,000.00	
Bond Premium	2,039,009.60	8,198,797.40	2,442,524.00	
	31,374,009.60	80,358,797.40	30,437,524.00	-
Uses:				
Additional proceeds - to the debt service fund	4,097.93	27,015.97	7,084.48	
Cost of Issuance	235,000.00	292,218.96	162,653.67	
Underwriter Fees	134,911.67	154,562.47	87,785.85	
Original proceeds available to fund projects	31,000,000.00	79,885,000.00	30,180,000.00	-
Interest earned and budgeted through November	1,783,652.14	3,202,901.62	625,359.77	-
Interest not yet budgeted (includes reserves for arbitrage and yield restrictions)	585,394.97	2,211,585.96	341,770.41	-
Available to fund projects listed below	33,369,047.11	85,299,487.58	31,147,130.18	-

The system generated Construction Report includes the budget for the uses listed above in blue.

Project Type
C - Construction
M - Maintenance
O - Other

Propositions
A - General
B - Athletics
D - Technology

Project % Completed is based on project progress and may not tie to % paid

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
Restroom Refurbish	AMS									
Construction costs		F3	612,000.00	266,000.00	-	-	266,000.00			
Construction soft costs		F3	68,000.00	414,000.00	-	411,600.00	2,400.00			
			680,000.00	680,000.00	-	411,600.00	268,400.00	2%	C	A
Agriculture Science Center	Ag Science Center									
Construction costs		F1	-	4,500,000.00	-	-	4,500,000.00			
Construction costs		F2	6,750,000.00	6,750,000.00	-	-	6,750,000.00			
Construction soft costs		F2	750,000.00	750,000.00	279,600.00	278,200.00	192,200.00			
			7,500,000.00	12,000,000.00	279,600.00	278,200.00	11,442,200.00	3%	C	A
Entry Canopies	AMS, Best, Boone, Kennedy, Killough, Landis, Mahaney, Olle, Sneed									
Construction costs		F2	4,836,680.00	4,953,765.00	4,564,389.47	361,917.53	27,458.00			
Construction soft costs		F2	363,320.00	376,235.00	372,643.16	3,591.84	-			
primary contractor - ICI, primary architect - AutoArch			5,200,000.00	5,330,000.00	4,937,032.63	365,509.37	27,458.00	100%	C	A
the project above includes retainage shown as paid on this report, but payment is held until project completion										
Secure Entries/Cafeteria	33 Schools									
Construction costs		F1	-	1,496,500.00	1,496,500.00	-	-			
Construction costs		F2	3,812,500.00	3,812,500.00	2,972,217.03	0.00	840,282.97			
Construction soft costs		F2	367,500.00	367,500.00	236,059.24	6,825.00	124,615.76			
primary contractor - M Scott Construction, primary architect -STOA Architects			4,180,000.00	5,676,500.00	4,704,776.27	6,825.00	964,898.73	100%	C	A
Turf	Elsik, Taylor									
Construction soft costs		F2	-	48,720.00	30,116.25	18,603.75	-			
Land Improvement		F3	4,440,840.00	3,950,267.00	3,852,879.00	1,423.50	95,964.50			
Construction soft costs		F3	329,160.00	329,160.00	329,160.00	-	-			
primary contractor - Hellas Construction Inc			4,770,000.00	4,279,427.00	4,182,039.00	1,423.50	95,964.50	98%	C	B
the project above includes retainage shown as paid on this report, but payment is held until project completion										
Secure Entries - Video Intercom	Districtwide	F2	1,200,000.00	1,200,000.00	255,331.32	108,541.68	836,127.00	99%	C	A
Secure Open Libraries Group 1 Phase 1	Boone, Hicks, Outley, Bush, Chambers, Martin, Liestman									
Construction costs		F2	4,199,700.00	3,429,276.82	2,376,749.40	0.00	1,052,527.42			
Construction soft costs		F2	675,000.00	675,000.00	632,175.18	42,824.82	-			
Furniture and equipment ($500-$4,999)		F2	-	294,100.00	294,047.21	-	52.79			
Furniture and equipment (less than $500)		F2	-	45,700.00	45,227.82	(0.00)	472.18			
primary contractor -Millennium Project Solutions, primary architect -Corgan Architects			4,874,700.00	4,444,076.82	3,348,199.61	42,824.82	1,053,052.39	100%	C	A

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
Secure Open Libraries Group 2 Phase 1	Chancellor, Collins, Cummings, Klentzman, Owens, Miller, Petrosky									
Construction costs		F2	4,199,700.00	3,949,000.00	3,949,000.00	-	-			
Construction soft costs		F2	676,200.00	676,200.00	676,200.00	(0.00)	-			
Furniture and equipment ($500-$4,999)		F2	-	415,210.39	415,210.39	0.00	-			
Furniture and equipment (less than $500)		F2	-	44,954.23	44,954.23	0.00	-			
primary contractor - M Scott Construction, primary architect -Smith and Company Architects			4,875,900.00	5,085,364.62	5,085,364.62	(0.00)	-	100%	C	A
Secure Open Libraries Group 3 Phase 1	Mata, Youngblood, Hearne, Heflin, Rees, Alexander, Killough									
Construction costs		F2	4,199,700.00	4,322,648.38	4,205,333.93	-	117,314.45			
Construction soft costs		F2	675,000.00	682,351.62	682,351.62	0.00	-			
Furniture and equipment ($500-$4,999)		F2	-	375,900.00	375,482.93	(0.00)	417.07			
Furniture and equipment (less than $500)		F2	-	58,800.00	56,481.31	(0.00)	2,318.69			
primary contractor - ICI Construction, primary architect -Brave Architecture			4,874,700.00	5,439,700.00	5,319,649.79	0.00	120,050.21	100%	C	A
Secure Open Libraries Group 4 Phase 1	Kennedy, Best, Landis, Sneed, Smith, Mahanay									
Construction costs		F2	4,199,700.00	3,620,982.84	1,349,000.00	(0.00)	2,271,982.84			
Construction soft costs		F2	675,000.00	675,000.00	603,679.97	71,320.03	-			
Furniture and equipment ($500-$4,999)		F2	-	194,175.72	188,529.40	-	5,646.32			
Furniture and equipment (less than $500)		F2	-	40,700.00	15,947.06	-	24,752.94			
primary contractor - M Scott Construction, primary architect -English Architects			4,874,700.00	4,530,858.56	2,157,156.43	71,320.03	2,302,382.10	100%	C	A
Track Resurface at 10 Years	AMS, Holub, O'Donnell	F1	3,090,000.00	563,141.00	563,141.00	-	-	100%	C	A
A/C replacement	Districtwide - 12 locations with 8 classroom additions									
Construction costs		F1	7,542,000.00	6,273,530.36	6,273,530.36	0.00	-			
Construction soft costs		F1	838,000.00	228,037.98	228,037.98	(0.00)	-			
primary contractor - CFI Mechanical, primary consultant - LEAF Engineers			8,380,000.00	6,501,568.34	6,501,568.34	0.00	-	100%	M	A
Walk In Cooler/Freezer Replacement	Annex									
Construction costs		F2	297,000.00	297,000.00	-	215,580.00	81,420.00			
Construction soft costs		F2	33,000.00	33,000.00	-	-	33,000.00			
			330,000.00	330,000.00	-	215,580.00	114,420.00	2%	M	A
Air Handler	Maintenance									
Construction costs		F3	875,000.00	875,000.00	-	-	875,000.00			
Construction soft costs		F3	75,000.00	75,000.00	-	-	75,000.00			
			950,000.00	950,000.00	-	-	950,000.00	0%	M	A
Tennis Courts	Athletic Complex									
Land improvement		F2	2,079,000.00	2,079,000.00	828,108.95	381,891.05	869,000.00			
Construction soft costs		F2	231,000.00	231,000.00	130,271.75	9,088.25	91,640.00			
primary contractor - Jamail & Smith			2,310,000.00	2,310,000.00	958,380.70	390,979.30	960,640.00	90%	M	B
the project above includes retainage shown as paid on this report, but payment is held until project completion										
Domestic Water Line Replacement	Admin	F2	130,000.00	149,564.10	149,564.10	(0.00)	-	100%	M	A
primary contractor - Charlie's Plumbing										
Domestic Boiler Replacement	AMS	F1	80,000.00	40,008.00	40,008.00	-	-	100%	M	A
primary contractor - AMS Mechanical Services										
Domestic Boiler Replacement	Holub, Killough	F1	-	122,319.00	122,319.00	-	-	100%	M	A
primary contractor - AMS Mechanical Services										

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
Boiler Replacement	Holub, MIS	F1	-	228,682.00	228,682.00	-	-	100%	M	A
primary contractor - CFI Mechanical										
Boiler Replacement	Bush, Hastings									
Construction costs		F3	247,500.00	247,500.00	-	64,800.00	182,700.00			
Construction soft costs		F3	27,500.00	27,500.00	4,500.00	-	23,000.00			
			275,000.00	275,000.00	4,500.00	64,800.00	205,700.00	0%	M	A
Boiler Replacement	Horn									
Construction costs		F4	63,000.00	63,000.00	-	-	63,000.00			
Construction soft costs		F4	7,000.00	7,000.00	-	-	7,000.00			
			70,000.00	70,000.00	-	-	70,000.00	0%	M	A
Building Management Controls Migration	Districtwide									
Construction costs		F1	390,000.00	869,508.45	869,508.45	0.00	-	100%		
primary contractor - Siemens										
Construction costs		F3	410,000.00	410,000.00	318,077.64	(0.00)	91,922.36	100%		
Construction costs		F4	420,000.00	420,000.00	-	-	420,000.00	0%		
			1,220,000.00	1,699,508.45	1,187,586.09	0.00	511,922.36		M	A
Paving Replacement	Boone	F1	-	41,600.00	41,600.00	-	-	100%	M	A
primary contractor - Pavecon										
RTU Replacement and Gym Dx Unit Replacement	Boone									
Construction costs		F2	3,718,000.00	3,387,190.50	3,387,190.50	-	-			
Construction soft costs		F2	262,000.00	263,047.50	263,047.50	-	-			
primary contractor - Sterling Structures, primary consultant - LTY Engineers			3,980,000.00	3,650,238.00	3,650,238.00	-	-	100%	M	A
Carpet Replacement Evaluation at Age 22	AMS, Collins, Elsik, HNGC, Killough, Mata, Miller	F1	5,255,000.00	3,442,043.62	3,442,043.62	-	-	100%	M	A
primary contractor - Tarkett USA										
Carpet Replacement	Hastings	F2	2,090,000.00	1,220,577.60	1,220,577.60	-	-	100%	M	A
primary contractor - Tarkett USA										
Carpet Replacement	Taylor	F2	2,110,000.00	685,476.50	685,476.50	0.00	-	100%	M	A
primary contractor - Tarkett USA										
Carpet Replacement	Rees	F2	430,000.00	317,939.05	317,939.05	(0.00)	-	100%	M	A
primary contractor - Tarkett USA										
Carpet Replacement	Boone, Kennedy, Cummings	F3	1,630,000.00	1,092,032.10	1,091,165.25	866.85	-	100%	M	A
Carpet Replacement	Albright, Budewig, Holub, Horn	F4	2,983,000.00	2,983,000.00	-	-	2,983,000.00	100%	M	A
Concrete Repairs	Elsik, Holub, Smith, Hastings, Transportation									
Construction costs		F1	320,000.00	320,000.00	13,202.00	-	306,798.00			
Construction costs		F3	-	1,710,000.00	-	-	1,710,000.00			
Construction costs		F4	-	-	-	-	-			
Construction soft costs		F3	-	190,000.00	10,600.00	4,500.00	174,900.00			
Construction costs		F4	2,180,000.00	2,180,000.00	-	-	2,180,000.00			
Construction soft costs		F4	225,000.00	225,000.00	20,100.00	22,700.00	182,200.00			
			2,725,000.00	4,625,000.00	43,902.00	27,200.00	4,553,898.00	10%	M	A
Analog Camera Replacement with Digital Cameras	Districtwide	F1	-	2,120,000.00	3,065.00	-	2,116,935.00	0%	M	A

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
Dugouts	Hastings	F3	115,000.00	115,000.00	-	103,200.00	11,800.00	0%	M	B
Exterior Joint Sealant	Districtwide	F1	-	177,200.00	177,200.00	-	-	100%	M	A
primary contractor - Reliable Commercial Roofing										
Fencing Additions/Replacement	Districtwide	F1	-	330,000.00	-	-	330,000.00	0%	M	A
Foundation Repairs	Annex, Hastings, Killough, North House	F1	450,000.00	621,214.70	621,214.70	-	-	100%	M	A
primary contractor - Foundation Specialists Inc, Jericho Foundation Repair										
Fire Alarm Panel Upgrades and Replacement	Admin, Alexander, Boone, Bush, Chancellor, Collins Crossroads, Cummings, Hearne, Heflin, Hicks, Horn, Petrosky, Rees	F1	-	560,000.00	163,076.47	0.00	396,923.53	100%	M	A
primary contractor -Protegis Fire and Safety										
Generator Replacement and Repairs	Best, Petrosky	F1	295,000.00	135,086.42	58,098.42	26,988.00	50,000.00	100%	M	A
primary contractor - Cummins Southern Plains, Inc										
Gym Floors	Collins, Elsik, Mata	F3	350,000.00	257,594.00	257,594.00	-	-	100%	M	A
primary contractor - Covington-NAH Sports Flooring										
Generator Replacement and Repairs	AMS	F4	280,000.00	280,000.00	-	-	280,000.00	0%	M	B
Gym Flooring Replacement Evaluation at Age 25	Bush	F1	40,000.00	20,132.00	20,132.00	-	-	100%	M	A
primary contractor - NAH Sports Flooring										
Gym Flooring Replacement Evaluation at Age 25	AMS	F4	50,000.00	50,000.00	-	27,030.00	22,970.00	0%	M	B
Gym Partition Replacement	Chancellor, Kennedy, Landis, Liestman, Rees									
Construction costs		F1	-	550,000.00	-	-	550,000.00			
Construction costs		F4	110,000.00	110,000.00	-	-	110,000.00			
			110,000.00	660,000.00	-	-	660,000.00	0%	M	A
Grease Trap	Heflin	F1	-	6,892.00	6,892.00	-	-	100%	M	A
primary contractor - Tristate Mechanical										
Air Handler Replacement	ALC									
Construction costs		F3	410,000.00	405,500.00	118,841.44	-	286,658.56			
Construction soft costs		F3	-	4,500.00	4,500.00	-	-			
			410,000.00	410,000.00	123,341.44	-	286,658.56	25%	M	A
HVAC Upgrades	Crossroads									
Construction costs		F1	576,000.00	244,800.00	244,800.00	0.00	-			
Construction soft costs		F1	64,000.00	-	-	-	-			
primary contractor - AMS Systems, Unify Energy Solutions LLC			640,000.00	244,800.00	244,800.00	0.00	-	100%	M	A
HVAC, Fire Alarm, and Grease Trap Relocate	Kennedy									
Construction costs		F1	5,994,000.00	-	-	-	-			
Construction soft costs		F1	666,000.00	-	-	-	-			
this project's funding was moved to the 2023 bond sale			6,660,000.00	-	-	-	-	n/a	M	A
Kennedy HVAC	Kennedy									
Construction costs		F2	5,994,000.00	5,994,000.00	3,956,803.00	-	2,037,197.00			
Construction soft costs		F2	666,000.00	666,000.00	335,241.14	0.03	330,758.83			
primary contractor - Sterling Structures, primary consultant - Salas O'Brien Engineers			6,660,000.00	6,660,000.00	4,292,044.14	0.03	2,367,955.83	100%	M	A
the project above includes retainage shown as paid on this report, but payment is held until project completion										

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
NGC Plant Upgrade	NCG	F2	-	2,770,000.00	1,435,788.50	1,309,233.50	24,978.00	99%	M	A
primary contractor - CFI Mechanical, Inc., primary consultant - Salas O'Brien Engineers										
the project above includes retainage shown as paid on this report, but payment is held until project completion										
Hastings Water Heater	Hastings	F1	-	97,222.38	97,222.38	-	-	100%	M	A
primary contractor - Charlie's Plumbing										
Replace Underground Chilled Water Lines at	Hastings	F1	-	163,663.00	163,663.00	-	-	100%	M	A
primary contractor - Envirotech Mechanical Systems, primary consultant - Salas O'Brien										
Water Valve Replacement at Domestic Water	Heflin	F1	-	24,088.40	24,088.40	-	-	100%	M	A
primary contractor - AISD Maintenance Department										
Chiller Replacement	Alexander, Holub, Annex, Taylor, AMS,									
Construction costs		F1	-	930,000.00	-	930,000.00	-			
Construction soft costs		F1	-	200,000.00	11,800.00	164,458.72	23,741.28			
Construction costs		F3	2,578,500.00	2,865,000.00	241,500.00	1,839,500.00	784,000.00			
Construction soft costs		F3	286,500.00	-	-	-	-			
Construction costs		F4	4,475,500.00	4,475,500.00	-	277,760.00	4,197,740.00			
Construction soft costs		F4	450,000.00	450,000.00	-	-	450,000.00			
			2,865,000.00	3,995,000.00	253,300.00	2,933,958.72	807,741.28	0%	M	A
Kalwall Replacement	Elsik, Albright, Alexander									
Construction costs		F4	860,000.00	860,000.00	-	-	860,000.00			
Construction soft costs		F4	90,000.00	90,000.00	-	-	90,000.00			
			950,000.00	950,000.00	-	-	950,000.00	0%	M	A
Enclose Quiet Space Areas @ English Social Studies Centers	Kerr	F1	-	44,478.18	44,478.18	-	-	100%	M	A
primary contractor - AISD Maintenance Department										
Locker Conversion	Hastings, Taylor									
Construction costs		F3	646,000.00	646,000.00	-	-	646,000.00			
Construction soft costs		F3	34,000.00	34,000.00	-	-	34,000.00			
			680,000.00	680,000.00	-	-	680,000.00	0%	M	A
HVAC Upgrades	Landis									
Construction costs		F4	7,290,000.00	7,290,000.00	-	-	7,290,000.00			
Construction soft costs		F4	800,000.00	800,000.00	-	-	800,000.00			
			8,090,000.00	8,090,000.00	-	-	8,090,000.00	0%	M	A
Fire Alarm Panel Upgrades - Switch Over Panel from K Bldg	Liestman	F1	40,000.00	16,094.82	16,094.82	-	-	100%	M	A
primary contractor - Protegis Fire and Safety										
Laundry Room Equipment Replacement	Taylor FH									
Construction costs		F1	80,000.00	34,380.48	34,380.48	-	-			
Furniture and equipment ($500-$4,999)		F1	-	13,297.00	13,297.00	-	-			
primary contractor - Skyline Equipment LLC			80,000.00	47,677.48	47,677.48	-	-	100%	M	A
Masonry Replacement w/Sheathing and Waterproofing	Heflin									
Construction costs		F2	3,451,500.00	-	-	-	-			
Construction soft costs		F2	383,500.00	-	-	-	-			
			3,835,000.00	-	-	-	-	0%	M	A

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
Masonry Replacement w/Sheathing and Waterproofing	Mahanay									
Construction costs		F4	1,224,000.00	1,224,000.00	-	-	1,224,000.00			
Construction soft costs		F4	136,000.00	136,000.00	-	-	136,000.00			
			1,360,000.00	1,360,000.00	-	-	1,360,000.00	0%	M	A
Metal Roof	Petrosky	F4	140,000.00	140,000.00	-	-	140,000.00	0%	M	A
LVT Flooring	Maintenance	F3	30,000.00	30,000.00	-	-	30,000.00	0%	M	A
Outdoor Field Scoreboards	Districtwide	F3	280,000.00	280,000.00	5,921.00	197,367.00	76,712.00	28%	M	B
Tennis Courts	All Middle Schools	F3	170,000.00	25,367.85	25,367.85	(0.00)	0.00	100%	M	A
Playground Equipment	Districtwide	F3	300,000.00	300,000.00	20,613.00	186,715.00	92,672.00	0%	M	A
Playground Surface Replacement *primary contractor - Playwell Group*	Holmquist	F1	-	31,156.00	31,156.00	-	-	100%	M	A
Parking Lot Lighting (LED) *primary contractor - Express Electrical Services Inc.*	Alexander, AMS, Best, Chancellor, Heflin	F1	-	59,537.55	59,537.55	0.00	-	100%	M	A
Foundation Repairs	Print Shop	F3	105,000.00	105,000.00	-	-	105,000.00	0%	M	A
Water Pipe Replacement *primary contractor - Tristate Mechanical*	Print Shop	F1	-	24,950.00	24,950.00	-	-	100%	M	A
RTU Replacement	Petrosky									
Construction costs		F2	625,000.00	534,482.38	534,482.38	-	-			
Construction soft costs		F2	35,000.00	28,544.00	28,544.00	-	-			
primary contractor - ACIS Mechanical, primary consultant - Stantec			660,000.00	563,026.38	563,026.38	-	-	100%	M	A
Roof Replacement	Various									
Construction costs		F1	-	480,000.00	-	-	480,000.00			
Construction soft costs		F1	-	60,000.00	-	-	60,000.00			
Construction costs		F2	-	1,926,000.00	-	-	1,926,000.00			
Construction soft costs		F2	-	214,000.00	-	-	214,000.00			
Construction costs		F3	3,957,500.00	3,957,500.00	-	-	3,957,500.00			
Construction soft costs		F3	342,500.00	342,500.00	-	-	342,500.00			
Construction costs		F4	5,175,000.00	5,175,000.00	-	-	5,175,000.00			
Construction soft costs		F4	480,000.00	480,000.00	-	-	480,000.00			
			9,955,000.00	12,635,000.00	-	-	12,635,000.00	0%	M	A
Roof Replacement 8 Classroom Additions	Alexander, Hearne, Miller, Petrosky, Rees, Warehouse									
Construction costs		F1	1,138,500.00	(54,000.00)	-	-	(54,000.00)			
Construction soft costs		F1	126,500.00	54,000.00	-	-	54,000.00			
			1,265,000.00	-	-	-	-	0%	M	A
Renovate Carpentry Shop	Maintenance	F3	40,000.00	40,000.00	-	-	40,000.00	0%	M	A
Roof Replacement - Metal Roof	Holub									
Construction costs		F2	4,716,000.00	4,716,000.00	-	-	4,716,000.00			
Construction soft costs		F2	524,000.00	524,000.00	-	-	524,000.00			
			5,240,000.00	5,240,000.00	-	-	5,240,000.00	0%	M	A

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
Roof Replacement Partial	Olle									
Construction costs		F2	1,926,000.00	-	-	-	-			
Construction soft costs		F2	214,000.00	-	-	-	-			
			2,140,000.00	-	-	-	-	0%	M	A
Roof Repl 8 Classroom Addition - Non Prefab Bldg	Boone, Collins, Mahanay, Owens, Youngblood									
Construction costs		F1	-	757,500.00	-	-	757,500.00			
Construction soft costs		F1	-	72,500.00	-	-	72,500.00			
Construction costs		F2	765,000.00	1,989,000.00	-	-	1,989,000.00			
Construction soft costs		F2	85,000.00	221,000.00	-	-	221,000.00			
Construction costs		F4	162,000.00	162,000.00	-	-	162,000.00			
Construction soft costs		F4	18,000.00	18,000.00	-	-	18,000.00			
			1,030,000.00	3,220,000.00	-	-	3,220,000.00	0%	M	A
RTU Replacement	Liestman									
Construction costs		F3	612,000.00	555,000.00	-	-	555,000.00			
Construction soft costs		F3	68,000.00	125,000.00	18,750.00	106,250.00	-			
			680,000.00	680,000.00	18,750.00	106,250.00	555,000.00	0%	M	A
RTU Replacement at 8 Classroom Additions	Boone, Collins, Mahanay, Owens, Youngblood									
Construction costs		F4	4,986,500.00	4,986,500.00	-	1,798,500.00	3,188,000.00			
Construction soft costs		F4	300,000.00	300,000.00	-	300,000.00	-			
			5,286,500.00	5,286,500.00	-	2,098,500.00	3,188,000.00	0%	M	A
Kalwall Replacement at East/West Ends	Albright									
Construction costs		F1	72,000.00	-	-	-	-			
Construction soft costs		F1	8,000.00	-	-	-	-			
this project's funding was moved to the 2023 bond sale			80,000.00	-	-	-	-	n/a	M	A
Kalwall Replacement	Albright, Elsik									
Construction costs		F2	729,000.00	-	-	-	-			
Construction soft costs		F2	81,000.00	-	-	-	-			
			810,000.00	-	-	-	-	0%	M	A
Basketball Goal	Smith	F1	-	21,151.00	21,151.00	-	-	100%	M	A
Scoreboards	middle schools (except O'Donnell) and high schools (except Kerr)	F1	-	258,335.00	93,593.00	-	164,742.00	100%	M	A
Smoke Detectors	NGC, Taylor									
Construction costs		F1	-	34,477.59	34,477.59	-	-	100%		
Furniture and equipment (less than $500)		F1	-	129,493.72	129,493.72	-	-	100%		
Furniture and equipment (less than $5,000)		F1	-	216,028.69	-	-	216,028.69	0%		
primary contractor - AISD Maintenance Department			-	380,000.00	163,971.31	-	216,028.69		M	A
Sound Panel Replacement	Heflin, Hearne	F1	-	15,021.00	15,021.00	-	-	100%	M	A
primary contractor - Texas Premier Drywall Systems										
North Exit Foundation, Concrete, Storefront Repl at Cooking Classroom	Hastings									
Construction costs		F1	67,500.00	24,360.00	24,360.00	-	-			
Construction soft costs		F1	7,500.00	3,476.27	3,476.27	-	-			
primary contractor - Foundation Specialists Inc, Pavecon, Tristate Glass			75,000.00	27,836.27	27,836.27	-	-	100%	M	A
Luxury Vinyl Tile	Boone	F2	180,000.00	24,930.98	24,930.98	-	-	100%	M	A
primary contractor - Tarkett USA										

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
Boiler Replacement	Taylor	F1	-	93,994.00	93,994.00	-	-	100%	M	A
primary contractor - AMS Mechanical Services										
Track Replacement	Elsik, Taylor									
Construction costs		F2	-	53,754.04	53,754.04	-	-			
Construction costs		F3	-	32,125.55	32,125.55	-	-			
primary contractor - Hellas Construction Inc			-	85,879.59	85,879.59	-	-	100%	M	B
the project above includes retainage shown as paid on this report, but payment is held until project completion										
Vinyl Wall Covering Replacement	Horn, Klentzman, Liestman, Outley, Owens, Youngblood	F2	1,200,000.00	1,200,000.00	-	-	1,200,000.00	0%	M	A
Retile Wall at Kinder Area	Sneed	F1	25,000.00	22,316.58	22,316.58	-	-	100%	M	A
primary contractor - Intex Flooring										
Through Wall Flashing Replacement	O'Donnell	F1	250,000.00	200,000.00	35,000.00	-	165,000.00	100%	M	A
primary contractor -Seabreeze Roofing										
Wall Flashing	Districtwide	F1	-	50,000.00	-	12,709.00	37,291.00	0%	M	A
Windows and Doors	Various									
Construction costs		F1	525,000.00	-	-	-	-			
Construction costs		F2	522,500.00	-	-	-	-			
Construction soft costs		F2	52,500.00	-	-	-	-			
Construction costs		F4	845,000.00	845,000.00	-	-	845,000.00			
Construction soft costs		F4	90,000.00	90,000.00	-	-	90,000.00			
			2,035,000.00	935,000.00	-	-	935,000.00	0%	M	A
Frames and Doors	Warehouse	F3	20,000.00	3,270.00	3,270.00	-	-	100%	M	A
Pneumatic Valve	Warehouse	F1	-	165,101.91	165,101.91	0.00	-	100%	M	A
primary contractor - Siemens Industries										
Art Equipment	Instruction	F2	600,000.00	600,000.00	27,556.99	558,161.48	14,281.53	5%	O	A
CTE Equipment	Instruction	F2,F3	650,000.00	650,000.00	228,927.41	318,800.52	102,272.07	35%	O	A
Dance Flooring and Equipment	Instruction	F2	850,000.00	850,000.00	22,549.85	(0.00)	827,450.15	0%	O	A
Updated Bookcases/Furniture in Libraries	Instruction	F2,F3	1,600,000.00	1,600,000.00	-	-	1,600,000.00	0%	O	A
Music - Equipment and Instruments	Instruction	F2,F3	4,550,000.00	4,550,000.00	86,795.93	4,188,047.69	275,156.38	2%	O	A
Sound Proof Practice Rooms	Instruction	F2	150,000.00	150,000.00	-	-	150,000.00	0%	O	A
Theater Stage Lighting	Instruction	F4	1,330,000.00	1,330,000.00	-	-	1,330,000.00	0%	O	A
Interactive White Boards	Instruction	F4	6,000,000.00	6,000,000.00	-	-	6,000,000.00	0%	O	A
Computer Replacement Cycle	Technology	F4	4,100,000.00	4,100,000.00	-	-	4,100,000.00	0%	O	D
Teacher and Student Devices	Technology	F4	3,500,000.00	3,500,000.00	-	-	3,500,000.00	0%	O	D
Police Equipment	Police									
Furniture and equipment ($500-$4,999)		F2	100,000.00	-	-	-	-		O	A
Vehicles		F2	400,000.00	400,000.00	364,946.07	0.00	35,053.93		O	A
Furniture and equipment (less than $5,000)		F2	-	100,000.00	-	-	100,000.00		O	A
			500,000.00	400,000.00	364,946.07	0.00	35,053.93	91%		

Description	Location/Department	Bond Sale	Original Budget	Revised Budget	Paid	Encumbered	Unencumbered	Project % Completed	Type	Prop
Bus Cameras	Transportation	F2	675,000.00	675,000.00	550,816.46	-	124,183.54	82%	O	A
Buses	Transportation									
Vehicles		F1	1,700,000.00	1,848,490.00	1,848,490.00	-	-	100%	O	A
Vehicles		F2	2,400,000.00	2,400,000.00	2,400,000.00	-	-	100%	O	A
Vehicles		F3	2,300,000.00	2,299,999.92	2,299,999.92	-	-	100%	O	A
Vehicles		F4	2,400,000.00	2,400,000.00	-	-	2,400,000.00	0%	O	A
			8,800,000.00	8,948,489.92	6,548,489.92	-	2,400,000.00			
Bus Wash	Transportation	F1	-	-	-	-	-	0%	O	A
Restrooms	Transportation	F3	70,000.00	70,000.00	-	-	70,000.00	0%	O	A
Facilities Upgrade	Transportation	F3	3,650,000.00	1,750,000.00	-	-	1,750,000.00	0%	O	A
Smart Tag	Transportation	F1	300,000.00	140,429.00	140,429.00	-	-	100%	O	A
Cameras and Fencing	Police									
Land Improvement		F3	950,000.00	950,000.00	-	-	950,000.00		O	A
Furniture and equipment (less than $5,000)		F3	950,000.00	950,000.00	-	-	950,000.00		O	A
			1,900,000.00	1,900,000.00	-	-	1,900,000.00	0%		
Bond Project Consulting	Districtwide	F1	-	97,125.63	97,125.63	-	-	100%		
Bond Project Contracted Management Services	Districtwide	F1,F2,F3	-	1,523,920.00	110,951.00	1,412,969.00	-	7%		
Unassigned		F1	1,060,000.00	3,272,931.81	-	-	3,272,931.81		O	A
Unassigned		F2	-	6,605,268.11	-	-	6,605,268.11		O	A
Unassigned		F2	-	34,980.86	-	-	34,980.86		O	B
Unassigned		F3	-	595,934.93	-	-	595,934.93		O	A
Unassigned		F3	-	565,471.42	-	-	565,471.42		O	B
			1,060,000.00	11,074,587.13	-	-	11,074,587.13			
	Total 2022 Bond Sale (649-F1)		31,000,000.00	32,783,652.54	17,867,765.51	1,415,495.72	13,500,391.31			
	Total 2023 Bond Sale (650-F2)		79,885,000.00	83,217,901.62	41,706,916.88	6,314,920.66	35,196,064.08			
	Total 2024 Bond Sale (651-F3)		30,180,000.00	30,805,359.77	8,682,921.39	5,605,557.86	16,516,880.52			
	Total 2025 Bond Sale (652-F4)		51,170,000.00	51,170,000.00	20,100.00	2,425,990.00	48,723,910.00			
	Grand Total - 2021 Referendum		**192,235,000.00**	**197,976,913.93**	**68,277,703.78**	**15,761,964.24**	**113,937,245.91**			

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Financial Activity Report

Attached is information detailing the revenues and expenditures for the 2024-25 fiscal year for general fund, special revenue funds, debt service fund, and capital projects funds.

Recommendation: Information item – no recommendation required.

Dr. Anthony Mays
Superintendent

Charles Woods
Deputy Superintendent/
Business Services

Alief I.S.D.
Report Of Financial Activity

FOR RESP AREA: * Not Applicable
YEAR : 2024-25
PERIOD(s): September - March

	Original Budget	Transfers/ Adjustments	Adjusted Budget	Outstanding Encumbrances	To Date Actual	Remaining Balance
10 General Fund						
RV Revenues						
57 Local Revenues	170,728,854.00	743,156.06	171,472,010.06	120.00	156,386,077.25	15,086,052.81
58 State Revenues	285,527,523.00	11,877.21	285,539,400.21	0.00	126,678,551.58	158,860,848.63
59 Federal Revenues	8,322,423.00	0.00	8,322,423.00	0.00	1,799,760.75	6,522,662.25
RV Revenues	464,578,800.00	755,033.27	465,333,833.27	120.00	284,864,389.58	180,469,563.69
XP Expenditures						
11 Instruction	277,130,086.18	5,852,877.31	282,982,963.49	4,778,821.54	142,791,371.30	135,412,770.64
12 Library	5,770,861.93	151,687.93	5,922,549.86	63,038.40	3,047,679.29	2,811,832.17
13 Staff Development	6,103,166.33	531,038.61	6,634,204.94	57,646.87	3,019,923.58	3,556,634.49
21 Inst Leadership	6,933,113.38	86,736.53	7,019,849.91	56,431.07	3,601,103.94	3,362,314.90
23 School Leadership	26,780,951.18	757,275.29	27,538,226.47	32,990.79	14,230,702.21	13,274,533.47
31 Counseling	24,076,508.94	549,554.20	24,626,063.14	270,761.42	15,169,123.45	9,186,178.27
32 Social Work	519,111.64	22,048.00	541,159.64	0.00	284,248.16	256,911.48
33 Health Services	7,254,282.60	148,725.34	7,403,007.94	45,961.88	3,613,021.42	3,744,024.64
34 Transportation	21,178,912.40	443,390.10	21,622,302.50	917,235.25	11,800,248.40	8,904,818.85
35 Food Services	60,000.00	721,909.69	781,909.69	3,297.35	207,373.24	571,239.10
36 Co-curr/extra-curr	6,655,374.96	598,144.98	7,253,519.94	328,080.85	3,673,327.43	3,252,111.66
41 General Administration	10,447,071.16	1,103,932.03	11,551,003.19	540,035.29	6,600,094.48	4,410,873.42
51 Maintenance	43,629,536.93	459,494.11	44,089,031.04	1,383,562.44	21,329,483.39	21,375,985.21
52 Security & Monitoring	9,981,322.78	987,909.71	10,969,232.49	43,846.16	4,845,594.09	6,079,792.24
53 Data Processing Services	4,171,597.16	105,604.63	4,277,201.79	66,235.57	2,203,191.87	2,007,774.35
61 Community Services	878,133.03	239,954.89	1,118,087.92	108,562.91	560,632.33	448,892.68
71 Debt Service	1,667,912.92	819,849.08	2,487,762.00	953,662.65	1,222,860.27	311,239.08
81 Facilities Acq & Const	640,856.77	102,171.27	743,028.04	9,578.00	340,717.58	392,732.46
93 Shared Svc Arrangement	400,000.00	0.00	400,000.00	219,065.00	180,935.00	0.00
95 Payment To JJAEP	375,000.00	0.00	375,000.00	267,000.00	108,000.00	0.00
99 Other Intergovernmental Charge	1,625,000.00	0.00	1,625,000.00	0.00	1,065,055.00	559,945.00
XP Expenditures	456,278,800.29	13,682,303.70	469,961,103.99	10,145,813.44	239,894,686.44	219,920,604.11
TI Other Resource						
79 Other Resources	900,000.00	0.00	900,000.00	0.00	900,000.00	0.00
TI Other Resource	900,000.00	0.00	900,000.00	0.00	900,000.00	0.00

Alief I.S.D.
Report Of Financial Activity

FOR RESP AREA: * Not Applicable
YEAR : 2024-25
PERIOD(s): September - March

	Original Budget	Transfers/ Adjustments	Adjusted Budget	Outstanding Encumbrances	To Date Actual	Remaining Balance
10 General Fund	9,199,999.71	-12,927,270.43	-3,727,270.72	-10,145,933.44	45,869,703.14	-39,451,040.42

Alief I.S.D.
Report Of Financial Activity

FOR RESP AREA: * Not Applicable
YEAR : 2024-25
PERIOD(s): September - March

	Original Budget	Transfers/ Adjustments	Adjusted Budget	Outstanding Encumbrances	To Date Actual	Remaining Balance
20 Special Revenue						
RV Revenues						
57 Local Revenues	2,125,000.00	1,475,743.62	3,600,743.62	0.00	1,482,549.78	2,118,193.84
58 State Revenues	125,000.00	10,019,251.33	10,144,251.33	0.00	518,970.80	9,625,280.53
59 Federal Revenues	29,144,120.00	122,629,057.41	151,773,177.41	0.00	45,806,004.83	105,967,172.58
RV Revenues	31,394,120.00	134,124,052.36	165,518,172.36	0.00	47,807,525.41	117,710,646.95
XP Expenditures						
11 Instruction	0.00	91,757,922.74	91,757,922.74	1,455,238.73	23,587,450.43	66,715,233.58
12 Library	0.00	682,957.30	682,957.30	163,227.73	423,482.10	96,247.47
13 Staff Development	0.00	8,718,423.78	8,718,423.78	664,283.42	3,272,283.77	4,781,856.59
21 Inst Leadership	0.00	2,436,423.11	2,436,423.11	38,514.98	733,629.23	1,664,278.90
23 School Leadership	0.00	1,451,176.35	1,451,176.35	2,500.00	1,098,926.42	349,749.93
31 Counseling	0.00	1,839,674.54	1,839,674.54	1,758.94	1,286,320.51	551,595.09
32 Social Work	0.00	729,424.99	729,424.99	0.00	260,256.04	469,168.95
33 Health Services	0.00	400,773.05	400,773.05	0.00	400,773.05	0.00
34 Transportation	0.00	8,557,137.66	8,557,137.66	0.00	585,648.24	7,971,489.42
35 Food Services	32,794,120.18	1,102,843.15	33,896,963.33	6,436,906.75	19,276,187.98	8,183,868.60
36 Co-curr/extra-curr	0.00	2,671,456.30	2,671,456.30	64,918.72	1,245,234.27	1,361,303.31
41 General Administration	0.00	568,803.10	568,803.10	182,975.06	205,800.06	180,027.98
51 Maintenance	0.00	1,113,712.59	1,113,712.59	71,669.12	908,374.72	133,668.75
52 Security & Monitoring	0.00	3,899,941.10	3,899,941.10	0.00	322,177.28	3,577,763.82
53 Data Processing Services	0.00	58,812.46	58,812.46	0.00	58,812.46	0.00
61 Community Services	0.00	3,545,545.84	3,545,545.84	86,094.69	1,406,355.71	2,053,095.44
71 Debt Service	0.00	514,573.00	514,573.00	0.00	0.00	514,573.00
81 Facilities Acq & Const	1,500,000.00	4,331,881.50	5,831,881.50	66,145.67	2,381,622.34	3,384,113.49
93 Shared Svc Arrangement	0.00	0.00	0.00	0.00	0.00	0.00
XP Expenditures	34,294,120.18	134,381,482.56	168,675,602.74	9,234,233.81	57,453,334.61	101,988,034.32
20 Special Revenue	-2,900,000.18	-257,430.20	-3,157,430.38	-9,234,233.81	-9,645,809.20	15,722,612.63

FOR RESP AREA: * Not Applicable
YEAR : 2024-25
PERIOD(s): September - March

	Original Budget	Transfers/ Adjustments	Adjusted Budget	Outstanding Encumbrances	To Date Actual	Remaining Balance
50 Debt Service						
RV Revenues						
57 Local Revenues	39,693,240.00	0.00	39,693,240.00	0.00	36,879,562.03	2,813,677.97
58 State Revenues	3,561,231.00	0.00	3,561,231.00	0.00	3,752,222.00	-190,991.00
59 Federal Revenues	808,113.00	0.00	808,113.00	0.00	404,056.64	404,056.36
RV Revenues	44,062,584.00	0.00	44,062,584.00	0.00	41,035,840.67	3,026,743.33
XP Expenditures						
71 Debt Service	43,531,449.00	0.00	43,531,449.00	14,025.00	34,744,335.23	8,773,088.77
XP Expenditures	43,531,449.00	0.00	43,531,449.00	14,025.00	34,744,335.23	8,773,088.77
50 Debt Service	531,135.00	0.00	531,135.00	-14,025.00	6,291,505.44	-5,746,345.44

58

FOR RESP AREA: * Not Applicable
YEAR : 2024-25
PERIOD(s): September - March

	Original Budget	Transfers/ Adjustments	Adjusted Budget	Outstanding Encumbrances	To Date Actual	Remaining Balance
60 Capital Projects						
RV Revenues						
57 Local Revenues	0.00	0.00	0.00	0.00	3,526,311.14	-3,526,311.14
RV Revenues	0.00	0.00	0.00	0.00	3,526,311.14	-3,526,311.14
XP Expenditures						
53 Data Processing Services	3,280.75	-3,280.75	0.00	0.00	0.00	0.00
81 Facilities Acq & Const	179,921,738.62	2,274,242.61	182,195,981.23	19,915,973.64	8,964,511.79	153,315,495.80
XP Expenditures	179,925,019.37	2,270,961.86	182,195,981.23	19,915,973.64	8,964,511.79	153,315,495.80
60 Capital Projects	-179,925,019.37	-2,270,961.86	-182,195,981.23	-19,915,973.64	-5,438,200.65	-156,841,806.94

Alief I.S.D.
Report Of Financial Activity

FOR RESP AREA: * Not Applicable
YEAR : 2024-25
PERIOD(s): September - March

	Original Budget	Transfers/ Adjustments	Adjusted Budget	Outstanding Encumbrances	To Date Actual	Remaining Balance
****** GRAND TOTALS ******	-173,093,884.84	-15,455,662.49	-188,549,547.33	-39,310,165.89	37,077,198.73	-186,316,580.17

60

ALIEF INDEPENDENT SCHOOL DISTRICT

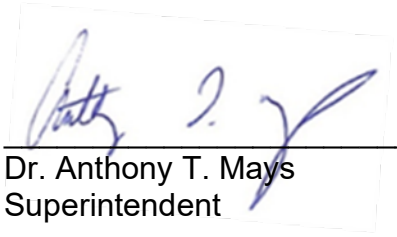
BOARD DOCUMENT

MEETING DATE: April 15, 2025

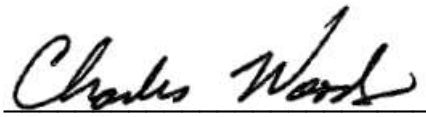
AGENDA ITEM: Active Requests for Proposals for Procurement of Goods and Services

Attached is a list of active requests for proposals for procurement of goods and services.

Recommendation: Information item – no recommendation required.



Dr. Anthony T. Mays
Superintendent



Charles Woods
Deputy Superintendent/
Business Services

Bid Number	Title	Type	Owner	Issue Date	Close Date	Responded / Invited	Unpublished Questions
2026	Instructional Materials (Books, e-Books, Textbooks and Periodicals)	Request for Proposal-Multiple Award	Alspaugh, Rachael	5/29/2020 02:00 PM (CT)	4/30/2025 02:00 PM (CT)	202 / 1172	0
2115 Addendum 4	Activity or Student Driven Marketing Funded Services and Fundraising Events	Request for Proposal-Multiple Award	Alspaugh, Rachael	4/23/2021 09:00 AM (CT)	5/8/2026 02:00 PM (CT)	121 / 829	0
2211 Addendum 2	Tools and Hardware	Request for Proposal-Multiple Award	Martinez, Veronica	12/10/2021 07:00 AM (CT)	1/31/2027 02:00 PM (CT)	20 / 421	0
2347	HVAC-Miscellaneous Repair Parts and Supplies	Request for Proposal-Multiple Award	Grant, Melissa	6/23/2023 01:49 PM (CT)	8/31/2027 12:00 AM (CT)	17 / 361	0
2342 Addendum 1	Restaurant/Catering Services	Request for Proposal-Multiple Award	Petry, Joseph	6/16/2023 08:00 AM (CT)	8/31/2027 02:00 PM (CT)	41 / 320	2
2343	Curricular & Extracurricular Student Enrichment Services	Request for Proposal-Multiple Award	Alspaugh, Rachael	6/16/2023 08:02 AM (CT)	8/31/2027 02:00 PM (CT)	157 / 993	0
2443	Plumbing Equipment and Supplies	Request for Proposal-Multiple Award	Grant, Melissa	12/20/2024 02:00 PM (CT)	2/28/2028 02:00 PM (CT)	5 / 416	0
2312	Instructional, Classroom & Campus Materials, Equipment & Supplies	Request for Proposal-Multiple Award	Grant, Melissa	1/20/2023 02:02 PM (CT)	3/31/2028 02:00 PM (CT)	291 / 1409	0
2314	Trophies, Awards, Signs, Banners, Custom, Imprinted & Promotional Items	Request for Proposal-Multiple Award	Martinez, Veronica	1/20/2023 02:00 PM (CT)	3/31/2028 02:00 PM (CT)	108 / 556	0
2313	Software Products, Applications, Digital Content & Related Services	Request for Proposal-Multiple Award	Grant, Melissa	1/20/2023 02:03 PM (CT)	4/30/2028 02:00 PM (CT)	134 / 1148	0
2320	Lumber and Building Supplies	Request for Proposal-Multiple Award	Petry, Joseph	1/20/2023 02:04 PM (CT)	4/30/2028 02:00 PM (CT)	6 / 209	0
2321	Electrical Supplies	Request for Proposal-Multiple Award	Alspaugh, Rachael	1/20/2023 02:05 PM (CT)	4/30/2028 02:00 PM (CT)	6 / 295	0
2336.3	Professional Development Services	Request for Proposal-Multiple Award	Petry, Joseph	5/12/2023 11:00 AM (CT)	7/31/2028 02:00 PM (CT)	153 / 1153	21
2337.3	Athletic/ P.E. Equipment and Uniforms	Request for Proposal-Multiple Award	Petry, Joseph	5/12/2023 12:00 PM (CT)	7/31/2028 02:00 PM (CT)	62 / 693	0
2410	General Merchandise and Supermarket Stores	Request for Proposal-Multiple Award	Martinez, Veronica	3/29/2024 08:00 AM (CT)	6/30/2029 02:00 PM (CT)	6 / 163	0
2418	Vocational Lab Equipment, Supplies & Housewares	Request for Proposal-Multiple Award	Martinez, Veronica	4/19/2024 02:00 PM (CT)	6/30/2029 02:00 PM (CT)	34 / 1050	0
2440	Speech Pathologist, Diagnostician, Special Education Teacher, Licensed Specialist in School Psychologist (LSSP) Services Annual Contract	Request for Proposal-Multiple Award	Martinez, Veronica	10/11/2024 02:02 PM (CT)	10/31/2029 02:00 PM (CT)	46 / 369	0
2505	RTU Replacements at Classroom Addition Buildings	Competitive Sealed Proposal	Restrepo, Fabby	03/28/2025 02:00 PM (CT)	TBD	TBD	-
2513	District-Wide Foundation Repairs	Request for Proposal	Martinez, Veronica	03/28/2025 02:00 PM (CT)	TBD	TBD	-
2515	Lamps & Bulbs	Request for Proposal	Martinez, Veronica	03/28/2025 02:00 PM (CT)	TBD	TBD	-
2514	Contracted Services & Related Products	Request for Proposal-Multiple Award	Villalba, Joseph	03/31/2025 02:00 PM (CT)	TBD	TBD	-

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Quarterly Investment Report

Attached is the Quarterly Investment Report detailing activities through November 30, 2024.

Recommendation: Information item – no recommendation required.

Dr. Anthony Mays
Superintendent

Charles Woods
Deputy Superintendent/ Business Services

Alief Independent School District
Quarterly Investment Report
For the period 12/1/24 - 02/28/25

Deposits and Investments by Type and Fund

Type	General	Food Service	Debt Service	Capital Projects	Internal Service	Total	Average Rate of Return
Frost Bank - Cash	$ 12,984,553	$ 218,004			$ 2,031,794	$ 15,234,351	
Texpool	70,147,560	6,439	$ 2,976,278	$ 49,553,336	1,976,305	124,659,918	4.44%
Logic	102,111,903	6,353	8,546,043	31,655,129	4,433,016	146,752,444	4.58%
Lone Star	82,516,081	16,867,211	4,122,012	44,703,833	949,162	149,158,299	4.61%
QSCB / Sinking Fund Securities			10,400,000			10,400,000	2.51%
	$ 267,760,097	$ 17,098,007	$ 26,044,333	$ 125,912,298	$ 9,390,277	$ 446,205,012	

Average Portfolio Yield

Alief ISD total portfolio	4.79%
3 month treasury bill	4.32%
6 month treasury bill	4.33%
12 month treasury bill	4.21%

Alief
Independent School District

Alief Independent School District
Quarterly Investment Report
For the period 12/1/24 - 02/28/25
Investment Pools

	Book/ Market Value 45,627	Deposits	Withdrawals	Interest	Book/ Market Value 45,716
Texpool					
General Fund	38,551,217	60,903,692	29,926,863	619,514	70,147,560
Food Service	6,369	-	-	70	6,439
Debt Service	3,089,828	416,129	564,092	34,413	2,976,278
Capital Projects	49,240,170	-	225,770	538,936	49,553,336
Internal Service	4,641,748	7,256,800	9,967,472	45,229	1,976,305
Total Texpool	95,529,332	68,576,621	40,684,197	1,238,162	124,659,918
Logic					
General Fund	54,615,818	296,282,150	249,866,085	1,080,020	102,111,903
Food Service	6,282	-	-	71	6,353
Debt Service	6,902,453	36,284,652	34,741,052	99,990	8,546,043
Capital Projects	32,141,218	29,767	874,967	359,111	31,655,129
Internal Service	4,186,734	5,810,920	5,591,061	26,423	4,433,016
Total Logic	97,852,505	338,407,489	291,073,165	1,565,615	146,752,444
Lone Star					
General Fund	98,710,639	43,798,839	60,798,551	805,154	82,516,081
Food Service	13,258,153	8,404,759	4,978,042	182,341	16,867,211
Debt Service	3,426,988	653,938	-	41,086	4,122,012
Capital Projects	47,126,309	10,629	2,957,250	524,145	44,703,833
Internal Service	1,921,471	-	991,296	18,987	949,162
Total Lone Star	164,443,560	52,868,165	69,725,139	1,571,713	149,158,299
Total Investment Pools	357,825,397	459,852,275	401,482,501	4,375,490	420,570,661

Alief Independent School District
Quarterly Investment Report
For the period 12/1/24 - 02/28/25

Description		Yield	Purchase Date	Maturity Date	Price	Book Value 12/1/2024	Market Value 12/1/2024	Purchases	Called/ Maturities	Book Value 2/28/2025	Market Value 2/28/2025	Unrealized Gain/ (Loss)	Quarterly Interest Earnings
U.S. Government Treasuries & Agencies - Unreserved													
General Fund													
FHL	3130AQYH0	5.30%	10/12/2023	2/28/2025	2,408,075	$ 2,416,812	$ 2,421,381	$ -	$ 2,500,000	$ -	$ -	$ -	$ 33,282
	Totals					$ 2,416,812	$ 2,421,381	$ -	$ 2,500,000	$ -	$ -	$ -	$ 33,282
	Grand Totals					$ 2,416,812	$ 2,421,381	$ -	$ 2,500,000	$ -	$ -	$ -	$ 33,282

Alief Independent School District
Quarterly Investment Report
For the period 12/1/24 - 02/28/25

Description		Yield	Purchase Date	Maturity Date	Price	Book Value 12/1/2024	Market Value 12/1/2024	Purchases	Called/ Maturities	Book Value 2/28/2025	Market Value 2/28/2025	Unrealized Gain/ (Loss)	Quarterly Interest Earnings
U.S. Government Treasuries, Agencies and Municipal Bonds - Reserved													
2010 QSCB													
Amarillo Hotels	023039AG5	3.00%	12/16/2016	8/15/2025	$ 217,920	$ 215,277	$ 212,695			$ 215,194	$ 213,650	$ (1,544)	$ 1,637
California State	13063D2T4	4.28%	12/12/2022	10/1/2025	1,294,871	1,267,304	1,264,827			1,263,800	1,263,358	(442)	13,752
US Treasury	912828CAZ4	0.80%	3/9/2021	11/30/2025	980,273	995,591	961,352			996,619	972,125	(24,494)	1,966
Oakland CA	672240WJ3	1.65%	2/27/2020	1/15/2026	1,908,550	1,901,735	1,845,527			1,901,377	1,854,058	(47,319)	7,859
NY State Urban Dev Corp	6500354W5	4.23%	12/12/2022	3/15/2026	1,287,294	1,312,724	1,308,228			1,315,956	1,314,559	(1,397)	13,773
US Treasury	91282CBT7	1.01%	10/13/2021	3/31/2026	988,750	996,528	954,609			997,150	964,805	(32,345)	2,496
Federal Home Loan Bank	3130AXCP1	5.00%	11/1/2023	9/11/2026	996,553	997,836	1,010,448			998,133	1,010,857	12,724	12,485
SF City & County Util	79765RN96	3.17%	12/16/2016	11/1/2026	197,132	199,409	195,196			199,481	195,806	(3,675)	1,572
Harris Co TX MTA	41422EKL6	1.56%	2/27/2020	11/1/2026	1,109,662	1,092,341	1,038,595			1,091,431	1,046,222	(45,209)	4,295
US Treasury	912828YU8	1.02%	3/9/2021	11/30/2026	1,033,398	1,011,990	951,562			1,010,553	960,038	(50,515)	2,626
Stanton CA Redev Agency	85473TBW4	3.43%	12/16/2016	12/1/2026	223,967	224,781	219,949			224,806	221,243	(3,563)	1,924
Bellwood IL Ref	080023NE0	3.29%	12/19/2016	12/1/2026	217,425	195,834	196,462			195,154	195,841	687	1,696
	Totals - 2010 QSCB				$ 10,455,795	$ 10,411,350	$ 10,159,450	$ -	$ -	$ 10,409,654	$ 10,212,562	$ (197,092)	$ 66,081

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD OF TRUSTEES

Board Meeting Workshop Date: Tuesday, April 1, 2025

Item #1
Call to Order: Trustee Madam President Dr. Darlene Breaux called to order the meeting at 5:32 p.m. on Tuesday, April 1, 2025, for the purposes stated in the notice for tonight's meeting.

Roll called by: Dr. Anthony Mays; Alief ISD, Superintendent

Present:

1. Trustee President Dr. Darlene Breaux
2. Trustee Vice President Jennifer Key
3. Trustee Secretary Rick Moreno
4. Trustee Assistant Secretary Dr. Lily Truong
5. Trustee Janet Spurlock
6. Trustee Dr. Gregg Patrick
7. Trustee Ann Williams entered at 5:33 p.m.

By Zoom: None

Absent: None

Item #2
Invocation or Inspirational Remarks

1. Trustee Dr. Gregg Patrick

Item #3
Public Comment on Posted Agenda Items

1. Ron Kotts, President of the Alief TSTA
   - ✓ 5.2 Agenda
   - ✓ 5.4 Agenda

2. Pamela Lacey; Educational Diagnostician
   - ✓ 5.3 Agenda

3. Maria Saulter; Educational Diagnostician
   - ✓ 5.3 Agenda

4. Helen Bruce-Jackson; Educational Diagnostician
   - ✓ 5.3 Agenda

5. Paula Casares; Educational Diagnostician
   - ✓ 5.3 Agenda

6. Alicia Brillantes Flores; Educational Diagnostician
   - ✓ 5.3 Agenda

7. Susana Tabush; Educational Diagnostician
   - ✓ 5.3 Agenda

8. Joanna Macias; Educational Diagnostician
   - ✓ 5.3 Agenda

9. Femeka Glenn; Educational Diagnostician
   5.3 Agenda

Item #4
Consent Agenda

No items discussed.

Item# 5
Non-Consent Agenda

5.1. Consider the Approval of the March 18th, 2025, Board Regular Meeting Minutes.

- **Motion by Trustee Dr. Lily Truong and second by Trustee Janet Spurlock**
- **7 For, 0 Against, 0 Abstentions**
- **The item passes.**

5.2. TIA Updates (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources) **Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.**

❖ **Report Only**

5.3. Staffing Update (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources) **Board Goal #3 World Class Employment: Alief ISD will recruit, develop, and retain highly qualified and effective personnel.**

❖ **Report Only**

5.4. Budget and Legislative Update (Charles Woods, Deputy Superintendent of Business Services) **Board Goal #5 Organizational Strength: Alief ISD will continue to improve the financial stability of the District.**

❖ **Report Only**

Item #6
Board and Committee Reports

Reports and comments from board members regarding meetings and conferences attended, including board committee meetings; schools visited; community and district activities; new initiatives; education programs; and continuing education. The items may be discussed, but no final action will be taken on these items at this meeting.

Roll called by: Dr. Darlene Breaux, Board President

Present:

1. Trustee President Dr. Darlene Breaux
   - ✓ Will hold until the Regular Board Meeting, April 15th, 2025

2. Trustee Vice President
   - ✓ Attended Paraprofessional of the Year Event
   - ✓ TOY Meeting with Dr. Marshall
   - ✓ Attended 6th Annual Pregnant & Parenting Teen

3. Trustee Secretary Rick Moreno
    - ✓ Hold until the Regular Board Meeting, April 15, 2025

4. Trustee Assistant Secretary Dr. Lily Truong
    - ✓ Attended Taste of Alief
    - ✓ Will hold the rest until the Regular Board Meeting, April 15, 2025

5. Trustee Janet Spurlock
    - ✓ Attended Mata 25th Anniversary
    - ✓ Calendar Committee
    - ✓ Attended Paraprofessional of the Year Event
    - ✓ Joined School Administrators & over 2,000 High School students to see Hamilton Musical
    - ✓ Attended Taste of Alief
    - ✓ Attended International Parade

6. Trustee Ann Williams
    - ✓ Yields to the Board President – Dr. Darlene Breaux

7. Trustee Dr. Gregg Patrick
    - ✓ Thanks to the Alief Foundation
    - ✓ Hold until the Regular Board Meeting, April 15, 2025

Item # 7
Closed Executive Session

7.1. Consult with the District's attorneys on any subjects or matters authorized by law, including any matter listed on this meeting notice/agenda, pending or contemplated litigation, and proposed settlements.
(Tex. Gov't Code § 551.071)

7.2. Deliberate the duties, responsibilities, evaluation, employment, and dismissal of personnel and officers, including the Board and Superintendent (Tex. Gov't Code § 551.074)

- ❖ **The Board has adjourned to closed session at 7:47 p.m.**
- ❖ **The Board has reconvened in open session at 8:14 p.m.**

Roll called by: Dr. Anthony Mays; Alief ISD, Superintendent

Present:

1. Trustee President Dr. Darlene Breaux
2. Trustee Vice President Jennifer Key
3. Trustee Secretary Rick Moreno
4. Trustee Assistant Secretary Dr. Lily Truong
5. Trustee Janet Spurlock
6. Trustee Dr. Gregg Patrick

By Zoom: None

Absent:

1. Trustee Ann Williams

Item #8
Adjournment

- President Dr. Darlene Breaux adjourned the meeting by unanimous consent at **8:15 p.m.** on Tuesday, April 1, 2025.

_____ _____

Dr. Darlene Breaux, President Rick Moreno, Secretary

DATE APPROVED: _____

DATE SIGNED: _____

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of New Hires (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources and Professional Learning)

This action item is to inform the board of all new hires within our district. There are several reasons why we submit new hires for the board's approval such as oversight and accountability for alignment with district goals, legal and procedural compliance, and financial stewardship.

Recommendation: Considering the reasons, we respectfully request the board's approval of the new hire report.

Dr. Anthony T. Mays
Superintendent

Elizabeth Veloz-Powell
Deputy Superintendent
Human Resources and Professional Learning

Alief New Hire Board Report

Meeting Date: April 15, 2025

Agenda Item: Personnel March 06, 2025 - April 01, 2025

The following personnel fulfill requirements for employment by local policy and state standards and are recommended for election for the 2024-2025 school year:

Position:	MILLER INTERMEDIATE	All Level	School Nurse
Applicant:	BELL, SHEILA		
Experience:	New School Nurse		

Position:	OUTLEY ELEMENTARY	Elementary	Music
Applicant:	BREAKER, KEEGAN		
Experience:			

Position:	ALBRIGHT MIDDLE SCHOOL	Middle School	Physical Education
Applicant:	CORMIER, TYRA		
Experience:	Previous experience at Alief ISD		

Position:	MARTIN ELEMENTARY	Elementary	Bilingual
Applicant:	MONASTERIO NUNEZ, SUSANA		
Experience:			

Position:	ALIEF LEARNING CENTER	Elementary	English/Language Arts
Applicant:	NWANERI, ADAEZE		
Experience:			

Recommendations: It is recommended that the above election be approved.

Anthony Mays, Ed. D.
Superintendent

Elizabeth Veloz-Powell, Ed. D.
Deputy Superintendent of
Human Resources & Professional Learning

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of Resignation Report (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources and Professional Learning)

This action item is to inform the board of all resignations within our district. This report serves several important functions such as transparency, budgetary planning, strategic decision-making, and legal compliance.

Recommendation: Considering the reasons, we respectfully request the board's approval of the resignation report.

Dr. Anthony T. Mays
Superintendent

Elizabeth Veloz-Powell
Deputy Superintendent
Human Resources and Professional Learning

Alief Independent School District

Board Document

Meeting Date: April 15, 2025

Resignations: PERSONNEL March 06, 2025 - April 01, 2025

Letters of resignation have been recieved and accepted in the Human Resources Department from the following personnel:

ADDISON, LELANI KLENTZMAN INTERMEDIATE School Nurse	Other	May 30, 2025
AIDI, KENTISHA OLLE MIDDLE SCHOOL Art	Personal Reason	May 30, 2025
ALADUME, KINGSLEY HASTINGS HIGH SCHOOL Special Education	Retirement	Mar 28, 2025
BARRETT, DAMON COLLINS ELEMENTARY Music	Personal Reason	May 30, 2025
CRAVEN, DALE OLLE MIDDLE SCHOOL Social Studies	Other TX School	May 30, 2025
CUMMINGS, MICHELE MAHANAY ELEMENTARY Art	Personal Reason	Mar 17, 2025
CUTHBERT, MARTHA MILLER INTERMEDIATE Generic Special Education	Retirement	Jun 04, 2025
FLAGLER, JESSICA ALBRIGHT MIDDLE SCHOOL Math/Science	Relocating	May 30, 2025
FULLER, KATHY HASTINGS HIGH SCHOOL Eng-Lang Arts/Read/Social Studies	Relocating	May 30, 2025
HORTON, SHERI PETROSKY ELEMENTARY Elementary General	Retirement	May 30, 2025

Alief Independent School District

Board Document

Meeting Date: April 15, 2025

Resignations: PERSONNEL March 06, 2025 - April 01, 2025

Letters of resignation have been recieved and accepted in the Human Resources Department from the following personnel:

HORTON, TIIRA OLLE MIDDLE SCHOOL Language Arts/Social Studies	Personal Reason	May 30, 2025
JERNBERG, JANNAE MARTINEZ ELC Principal	Retirement	Jun 20, 2025
JONES, DANIELLE KLENTZMAN INTERMEDIATE Special Education	Other TX School	May 30, 2025
MACEDO ROMERO, MINERVA KENNEDY ELEMENTARY Dual Language	Retirement	May 30, 2025
MALDONADO, HAYDE JEFFERSON ELC Counselor	Other TX School	May 30, 2025
METTLE-NUNOO, JOSEPH ELSIK HIGH SCHOOL Mathematics	Retirement	May 30, 2025
PEI, DELFINA PETROSKY ELEMENTARY Dual Language	Personal Reason	May 30, 2025
POWELL, PHYLLIS TAYLOR HIGH SCHOOL Administrator	Retirement	Apr 15, 2025
ROSIER, CORINNE BOONE ELEMENTARY Kindergarten	Personal Reason	May 30, 2025
SAM, LYNETTE ALEXANDER ELEMENTARY PPCD	Personal Reason	Mar 07, 2025

Alief Independent School District

Board Document

Meeting Date: April 15, 2025

Resignations: PERSONNEL March 06, 2025 - April 01, 2025

Letters of resignation have been recieved and accepted in the Human Resources Department from the following personnel:

STEWART, COURTNEY ELSIK HIGH SCHOOL Technology Specialist	Personal Reason	Mar 25, 2025
TORRENTS NOMANI, ANA BOONE ELEMENTARY Bilingual	Retirement	May 30, 2025
WATTS, NICOLE ALBRIGHT MIDDLE SCHOOL Art	Personal Reason	May 30, 2025
WILLIE, DAVID ALBRIGHT MIDDLE SCHOOL Special Education	Personal Reason	Mar 28, 2025
WRIGHT, SUSAN SPECIAL SERVICES Speech/Language Pathologist	Retirement	May 30, 2025

Information Item - no recommendation required.

Anthony Mays, Ed. D.
Superintendent

Elizabeth Veloz-Powell, Ed. D.
Deputy Superintendent of
Human Resources & Professional Learning

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of New Administrators (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources)

The procedures for hiring contracted staff involve the Superintendent making recommendations to the Board regarding the selection of contractual personnel. However, the Board retains final authority over the employment of contractual personnel. This process is outlined in DCA, DCB, DCC, and DCE policies as appropriate. Attached is the recommendation of new administrators.

Recommendation: We recommend the board's approval of the new administrators for the 24-25 & 25-26 school year.

Dr. Anthony T. Mays
Superintendent

Elizabeth Veloz-Powell
Deputy Superintendent
Human Resources and Professional Learning

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of New Administrators

The following candidate fulfill the requirements for employment by local policy and Texas Education Agency standards and is recommended for election:

POSITION: **Principal – Martinez ELC**

APPLICANT: Francisco Razo-Anaya

EDUCATION: M. Ed. – Educational Leadership – University of St. Thomas
B.S. – Industrial Engineering – Instituto Tecnológico de Estudios Superiores de Occidente (ITESO) – Guadalajara, México

EXPERIENCE: Francisco Razo graduated from engineering school in his native country of Mexico. He made a career upgrade to education after participating in an intercultural project with indigenous populations. Later, he worked with local institutions to support homeless (street) children in his hometown. He then migrated to the US to join the Alief family as an elementary teacher. He served as RLA specialist, school improvement interventionist, started the Texas School Ready partnership as a coordinator, led the implementation of reading academies in Alief, and opened Martinez ELC as an assistant principal. Razo has a master's in educational leadership from Saint Thomas University and is currently enrolled in Leadership Partner with Rice University.

POSITION: **Principal – Chancellor Elementary**

APPLICANT: Susan Branam

EDUCATION: M. Ed. – Educational Leadership – University of Houston – Clear Lake
B.S. – Interdisciplinary Studies– Texas A&M – College Station

EXPERIENCE: Susan Branam, earned her bachelor’s degree in education from Texas A&M University and her master’s degree in educational leadership from the University of Houston–Clear Lake. She started her career in Hearne, TX before coming to Alief. With over 16 years in education, she has served as a classroom teacher, math specialist, assistant principal, and is honored to now lead as the principal of Chancellor Elementary. Susan has a deep love for the Alief community and is inspired by its rich diversity and unwavering focus on student success. Passionate about instructional leadership and relationship-building, she is committed to creating a school culture where students thrive, and staff feel supported and empowered.

POSITION: **Special Education Evaluation Coordinator – Special Education Department**

APPLICANT: Tiffany Wilbourn

EDUCATION: M. A. – School & Behavioral Psychology – Stephen F. Austin State University
B.S. – Psychology – Stephen F. Austin State University

EXPERIENCE: Tiffany Wilbourn comes with over 18 years of experience; Tiffany brings a rich background and wealth of experience to this position. For the last four years, she has served as one of the district's Lead School Psychologists and two years prior to the Lead position, she served as an AISD campus-based School Psychologist with experience in cognitive, achievement, and psychological areas of assessment. These experiences have equipped Tiffany with a unique skill set and a deep understanding of how to foster learning environments that support collaboration, inclusivity, and positivity. She is not only dedicated to lifelong learning but also committed to advancing the knowledge and understanding of the evaluation and ARD processes for all our stakeholders.

RECOMMENDATION: We recommend the candidates listed above be approved to serve as administrators for the 2024-2025 & 2025-2026 school year.

Anthony Mays, Ed. D.
Superintendent

Elizabeth Veloz-Powell, Ed. D.
Deputy Superintendent
Human Resources & Professional Learning

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Approval of Teacher Contract Recommendations

Texas Education Code requires teachers to serve on a probationary, term, or continuing contract. Probationary and term contracts require board approval for their renewals. The remaining teacher contracts are being recommended for renewal for the 2025-26 school year.

RECOMMENDATION:

It is recommended that teachers who are successfully completing one or two years of service be given a probationary contract for the 2025-26 school year.

It is recommended that teachers who have served on a probationary contract for 2024-25 and are eligible for a term contract, by having been employed as a teacher in public education for five out of the previous eight years, be given a term contract for the 2025-26 school year.

It is recommended that teachers who are successfully completing a third year of their probationary contracts be given a term contract for the 2025-26 school year.

It is recommended that teachers who are successfully completing their 2024-25 term contracts have their term contracts renewed for the 2025-26 school year.

Anthony Mays, Ed. D.
Superintendent

Elizabeth Veloz-Powell, Ed. D.
Deputy Superintendent
Human Resources & Professional Learning

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of an MOU between Alief ISD and Relay Graduate School of Education. It establishes terms of collaborations as it relates to the Instructional Leadership Academy Program; which provides in-depth leadership development programs that enable school and system-level leaders to become exceptional instructional leaders and transform their schools, districts, or networks. (Elizabeth Veloz-Powell, Deputy Superintendent of Human Resources)

Program Details:

Program Participants
The National Principal Supervisors Academy (NPSA) is for principal supervisors and other system-level instructional leaders. Participants work in a variety of K-12 settings including traditional school districts, independent schools, and charter management organizations across the U.S.

Program Focus
In this program, participants will dive deeply into areas such as:

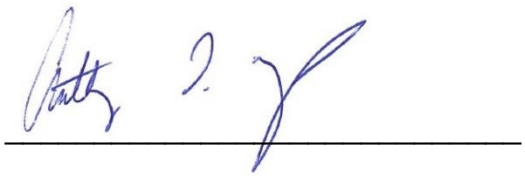
- **Centering the Student**
- **Instructional Rigor**
- **Coaching:**
- **Data-Informed Instruction**
- **Strategic Planning**

Program Experience
NPSA is a one-year program consisting of a 6-day hybrid (in-person and virtual) Summer Intensive followed by three Intersessions (two in person, one virtual) throughout the year. Based on a cohort model, leaders learn alongside their colleagues from across the country, including participation in virtual Practice Clinics and submission of job-embedded assessments.

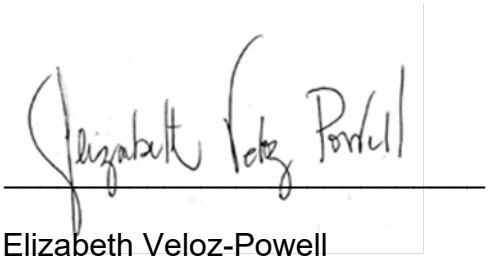
Participants will benefit from:

- **Expert faculty:** Learn from experienced practitioners who have demonstrated effectiveness in the field.
- **Feedback:** Receive regular feedback on video assessments from experienced, Relay-trained coaches who have demonstrated success as effective principal supervisors.
- **A network of peers:** Join a national network of instructional leaders who support each other through implementation of their Relay learning and problem-solve critical challenges.

Recommendation: Consider approval of an MOU between Alief ISD and Relay Graduate School of Education.



Dr. Anthony T. Mays
Superintendent



Elizabeth Veloz-Powell
Deputy Superintendent
Human Resources and Professional Learning

RELAY/GSE
GRADUATE SCHOOL of EDUCATION

Alief Independent School District and Relay Graduate School of Education
Memorandum of Understanding — Academic Year 2025–2026

This Memorandum of Understanding ("**MOU**") entered into by and between Alief Independent School District (the "**Client**") and Relay Graduate School of Education ("**Relay**") establishes the terms of collaboration between both entities. Hereafter, each entity may be referred to as a "Party" and collectively as the "Parties".

This MOU outlines the scope of work and delineates the roles and responsibilities of each Party. This MOU becomes effective upon signature by the last of the Parties to sign (the "Effective Date"), thereby fully executing the MOU, and shall continue through **June 30, 2026**, unless extended by mutual written agreement of the Parties or terminated earlier in accordance with the terms herein.

I. Scope of Work and Service Fees:

Instructional Leadership Academies Service Fees			
Instructional Leadership Academy Programs	**Cost per Seat**	**Number of Units**	**Amount Due**
National Principal Supervisors Academy (NPSA)	$16,500	3	$49,500
		Total Amount Due:	**$49,500**

II. Program Costs and Payment Policy

Relay will provide an invoice to the Client no later than ten (10) business days following Relay's receipt of this fully executed MOU. The Client will pay the invoice amount within thirty (30) calendar days after receipt of the invoice from Relay.

Relay reserves the right to apply a monthly interest rate of 1.5% to any invoice amount that remains unpaid thirty (30) calendar days after the due date or the maximum rate permitted by law, whichever is less. This interest will accrue from the due date until the invoice is paid in full, including any accrued interest. Relay also reserves the right to suspend services under this MOU should any invoice remain unpaid thirty (30) calendar days beyond the due date.

III. **Non-Reduction of Fees; No Refunds** Once the MOU is signed, Relay will not reduce the number of seats, workshops, or total cost billed; the Client is liable to pay the total amount for all reserved seats, even if some remain unfilled. This also includes participants who withdraw or are dismissed from the program. The Client acknowledges and agrees that Relay will not provide refunds for any unused seats related to the programs in this MOU. Relay has the right to fill any

vacant seats with more participants at its discretion. If this MOU is terminated, the Client remains liable for payment for all reserved seats and workshops as outlined in Section I, unless the termination is due to a material breach by Relay per the Termination section of this MOU.

Please initial to acknowledge and agree to Section III terms: _____

IV. Programmatic Details (Appendices)

A. ILA

V. Contingent Academic Year 2025-26 Modality: Safety and Practicality

Relay is committed to the health and well-being of its participants, faculty, and staff and to supporting school leaders. In response to public health concerns, natural disasters, government mandates, or other significant events that make in-person sessions unsafe or impractical, Relay faculty are prepared to lead all instruction via remote learning and provide participants with the materials necessary for a successful remote learning experience.

Relay will monitor local, state, and federal guidance regarding travel and gatherings and aims to communicate any changes to in-person sessions with reasonable advance notice to the extent possible. Under extenuating circumstances, including but not limited to emergencies or sudden changes in relevant local, state, and federal guidance, Relay reserves the right to adjust the communication timeline accordingly. Such adjustments will be made to provide the Client with the most prompt notice feasible under the circumstances. Any such changes will be communicated to the Client as soon as practicable. Should changes to the modality of sessions be required due to unforeseen circumstances, Relay and the Client commit to engaging in a timely and proactive collaboration to evaluate and undertake necessary adjustments to logistical arrangements to ensure the health and well-being of all individuals involved.

VI. Data

Surveys

The Client agrees to support the administration of Relay or externally validated surveys, up to three times annually, to collect feedback from relevant Client staff on participant and program effectiveness. Support includes providing contact information (e.g., names, email addresses), notifying staff about required participation, and allocating up to 30 minutes for staff to complete each survey.

Relay will provide the necessary tools and resources to facilitate survey distribution (e.g., communication toolkits), assist with outreach and feedback collection, and share survey results with program participants and designated Client staff.

The Client agrees to allow Relay to survey participants to measure overall satisfaction with the content and delivery of the professional development.

Video Recording

Classroom and other in-school videos provide a valuable tool for supporting leader development, and Relay assignments and assessments may require or encourage the use of video. The Client agrees that participants may film within their schools for instructional purposes, and the Client will assist participants in obtaining the necessary written media consent, compliant with relevant privacy laws including but not limited to FERPA, whenever required.

VII. Miscellaneous Provisions

Intellectual Property

The Client acknowledges and agrees that Relay shall be the sole and exclusive owner of all programs under this MOU and any other inventions, works, or other materials that are created, conceived, or reduced to practice by Relay in connection with this MOU, together with all intellectual property rights embodied therein (collectively, the "**Relay IP**"). Except as otherwise set forth in this MOU, the school and its teachers and students shall not have any ownership, license, or other interest in any Relay IP. Relay hereby grants the school and its leaders and teachers a limited and non-exclusive license to use the Relay IP solely for non-commercial and educational use while enrolled in the Programs under this MOU. Neither the license granted under this MOU nor the use by the Client and its agents of Relay's Intellectual Property creates any interest or right, express or implied, in Relay's Intellectual Property with respect to the Client beyond such limited license and right to use. The Client will not use or permit the use of any Relay Intellectual Property in a manner that may contravene applicable law or impair the validity or enforceability of any rights or interests in the Intellectual Property.

Modifications and Waivers

No provision of this MOU shall be modified, waived, or discharged unless the modification, waiver, or discharge is agreed to in writing and signed by the Client and by an authorized representative of Relay. No failure by Relay to insist upon the strict performance of any term, covenant, agreement, or provision of this MOU or to exercise any right or remedy consequent upon a breach thereof, and no acceptance by Relay of Services during the continuance of any such breach, shall constitute a waiver of a remedy or right or of any such breach or of any such term, covenant, agreement, or provision.

Entire Agreement

No other agreements, representations, or understandings (whether oral or written) that are not expressly set forth in this MOU and its appendices have been made or entered into by either Party with respect to the subject matter of this MOU. This MOU, including all appendices attached

hereto and incorporated herein by reference, contains the entire understanding of the Parties with respect to the subject matter hereof.

Confidentiality

The Parties acknowledge that, during the term of this MOU, they will disclose certain Confidential Information to each other. For purposes of this provision, Confidential Information shall include but not be limited to personal and educational information about the students attending the Client schools as well as the students of Relay, and proprietary information about Relay operations and business plans not readily available to the public. Confidential Information shall include information covered by other provisions of this MOU and information protected by federal, state, and local law, including FERPA. Each Party agrees that neither it nor its employees shall disclose or use Confidential Information except as strictly necessary to perform the obligations under this MOU. Each Party shall protect the other Party's Confidential Information using the same standard of care it uses to protect its own confidential and proprietary information, but in any event not less than a reasonable standard of care. Confidential Information does not include information that is already public knowledge or has become a part of the public domain through no breach of this MOU. Client agrees to convey to the participants any judicial order or lawfully-issued subpoena requiring the disclosure of any personally identifiable information as defined under FERPA and which is in Client's possession.

Indemnity

To the extent permitted by Texas law, the Parties agree to indemnify, defend, and hold harmless each other, and their respective successors, assigns, trustees, directors, officers, employees, agents, and students from and against all actions, causes of action, claim, losses, and demands whatsoever, and from all costs, damages, expenses, charges, debts, and liabilities whatsoever (including attorneys' fees), whether known or unknown, present or future, that arise from or are connected with the provision of services under this MOU, except as to those acts, errors, and omissions that are due to the sole negligence of the Party to be indemnified.

The Indemnified Party shall give the Indemnifying Party prompt written notice of any event or assertion of which Indemnified Party obtains knowledge concerning any claims and as to which Indemnified Party may request indemnification hereunder, provided that any delay in providing written notice shall not serve as a bar to indemnification hereunder except to the extent that Indemnifying Party's ability to defend against or avoid claims has been prejudiced by such delay. The Parties shall cooperate in determining the validity of any claim or assertion requiring indemnity hereunder and in defending against third parties with respect to the same.

Severability

If any term or provision of this MOU is determined to be illegal, unenforceable, or invalid in whole or in part for any reason, such illegal, unenforceable, or invalid provisions or part shall be stricken

from this MOU, and such provision shall not affect the legality, enforceability, or validity of the remainder of this MOU. If any provision or part thereof of this MOU is stricken in accordance with the provisions of this section, then such stricken provision shall be replaced, to the extent possible, with a legal, enforceable, and valid provision that is as similar in tenor to the stricken provision as legally possible.

Non-Assignment

Neither this MOU nor any of the rights, interests, or obligations under this MOU shall be assigned, in whole or in -part, by operation of law or otherwise by either Party without the prior written consent of the other Party, and any such assignment that is not consented to shall be null and void.

Construction

The headings of sections contained in this MOU are for convenience only, and they do not, expressly or by implication, limit, define, extend, or construe the terms or provisions of the sections of this MOU.

Governing Law and Venue

This MOU shall be construed and enforced in accordance with the substantive laws of the State of Texas applicable to agreements made and wholly to be performed in the State of Texas without recourse to any principles of choice of laws. The federal and state courts located in Harris County shall have sole and exclusive jurisdiction to construe and enforce the MOU.

Compliance with the Law

The Client and Relay shall comply with the applicable federal, state, and local laws and regulations governing the respective Parties, including without limitation, FERPA, civil rights and non-discrimination, and mandatory reporting of child abuse. In the event that either Party learns of a potential or actual lack of meaningful compliance, the Party shall give notice to the other Party promptly and work to achieve compliance.

Dispute Resolution

Any dispute or controversy between the Client and Relay arising out of or in connection with this MOU can be resolved through binding arbitration by the agreement of the Parties instead of litigation. The Parties will commence the arbitration through the general Arbitration Rules of the American Arbitration Association then in effect (the "Rules") in Harris County or, at the agreement of the Parties, a similar dispute resolution company. The Parties shall share the cost of arbitration and each Party shall be responsible for their respective lawyers' fees and costs. Notwithstanding the foregoing sentence, the Parties mutually agree that they shall, before commencing any arbitration or litigation, disclose the facts and matters relevant to the subject matter of such

dispute, claim, or controversy to the other Party and endeavor in good faith to discuss the matter and seek a mutual resolution among the Parties so as to avoid an adversarial proceeding. Each Party shall identify a person who is to be notified in the event of a dispute and who shall be responsible for seeking to comply with the intent of this provision.

Termination for Convenience

Either party may terminate this MOU without cause and at any time upon giving thirty (30) days' prior written notice to the other party. Such termination will be effective on the date stated in the notice. In the case of such termination for convenience, Client shall pay Relay for services provided through the termination for convenience date unless Relay has engaged in actions or omissions which would constitute a material breach of this agreement.

Notwithstanding the foregoing, if the end of the Term of the MOU is to occur less than thirty (30) days from the date of notice of termination, Client shall provide such lesser notice as may be reasonably practicable, and on the Termination for Convenience Date Client shall pay Relay for the Services provided through the Termination for Convenience Date.

Notices

Any notice, demand, or other communication required or permitted to be given under this MOU shall be in writing and shall be delivered to an appropriate representative. Both Parties agree to the roles and responsibilities as outlined in this MOU and agree that the collaboration outlined within is critical to developing and implementing a successful school leadership program.

RELAY/GSE
GRADUATE SCHOOL of EDUCATION

Signatory Attestation:

Each Party hereby represents and warrants that it has the full power and authority to enter into this MOU. ***The individual executing this MOU on behalf of a Party represents and warrants that they are duly authorized to do so.*** Any signature on this MOU by an individual not authorized to sign on behalf of a Party shall be deemed unauthorized. Such unauthorized signatures shall not bind the Party but may bind the unauthorized signer personally. A Party may choose to ratify an unauthorized signature, which will then become effective for the purposes of this MOU. Any individual who executes this MOU without proper authorization may be subject to civil or criminal liability. Upon request, each Party shall provide evidence of such authorization to the other Party.

By signing below, the Parties agree to the terms and conditions of this MOU.

Relay	Client
Signature	**Signature**
Derek Richey	
Print Name	**Print Name**
Chief Financial Officer	
Title	**Title**
Date	**Date**

RELAY/GSE
GRADUATE SCHOOL of EDUCATION

APPENDIX A: INSTRUCTIONAL LEADERSHIP ACADEMIES

A.1 Client Commitment, Participant Selection & Eligibility, Participant Replacements

- The Client will provide a designated point of contact for Relay for all communications prior to and during the engagement.
- Participants must hold a full-time leadership position that includes managing and coaching teachers or leaders on instructional practices such that they are able to meet fieldwork requirements.
- Once participants are selected by the Client via Participant Lists or Participant Entry Forms (deadlines listed below in **A.3 Important Partnership Deadlines**), participants must complete the online Relay enrollment form and Summer Intensive registration form. The Client will work with participants to ensure their understanding of their responsibilities for program attendance and fieldwork.
- The programs provided by Relay under this MOU are non-credit-bearing and do not confer any degrees. Participants shall not be considered enrolled students at Relay. Furthermore, participation in these programs does not lead to, nor qualify participants for, any form of certification or licensure. However, upon request by a participant, Relay agrees to provide a letter of attendance. This letter will detail the total number of hours attended by the participant at the conclusion of each program.
- Once the MOU is signed, Relay will not reduce the number of seats or the total cost billed. For NPSA and NPAF: While participant replacements are strongly discouraged, the Client may encounter a scenario in which a participant is no longer able to attend the program and may wish to replace a participant during the academic year. This proposed participant replacement must meet the same eligibility criteria outlined in this MOU. Relay reserves the right to review and approve any proposed replacements and may request additional information from the Client to confirm that the proposed replacement has met the prerequisite conditions. Each proposal for a replacement must be communicated to Relay in a written notice and must include an explanation. Replacements must occur prior to Intersession 1.
- If the Client is unable to fill a seat prior to Summer Intensive, the Client may be eligible for a partial credit that may be used towards other ILA, Customized Coaching and Training (CCT), or Teacher Professional Education (TPE) programming. To be eligible for this credit the Client must pay in full for all services contracted through this MOU by July 1, 2025. This credit and all associated services must be rendered by June 30, 2026.

A.2 Attendance & Dismissal

Relay reserves the right to dismiss participants due to:

- Failure of the Client to pay their invoice by their outlined date of June 2, 2025 or June 23, 2025 (based on cohort, as outlined below in **A.3 Important Partnership Deadlines**).

- Change in employment status such that the participant is no longer able to complete fieldwork
- Failure to provide required enrollment and event registration documentation by deadlines
- Other substantive violations of Relay's policies, procedures, or safety rules, as outlined in Relay's Code of Conduct
- Make up policy: Participants who miss program content may make it up at the program's discretion. Make-up options may include reviewing session materials and submitting a deliverable, such as a completed session handout or a personal artifact demonstrating the implementation of session content.

As participation in the program requires full-time employment as a school leader or principal supervisor, The Client commits to notifying Relay of any change of employment status that may impact the participant's ability to meet the requirements of the program.

If a participant ends their employment with the Client while enrolled in the program and the Client decides not to replace them, the participant retains the right to complete the current program year. However, the participant must bear any additional costs arising from their change of employment, including travel expenses for in-person sessions. Continuing in the program does not obligate the participant to reimburse any costs previously covered by the Client, nor does it affect any other financial or contractual commitments made to the Client, unless expressly stipulated otherwise.

A.3 Important Partnership Deadlines

Table 1: Instructional Leadership Academies Deadlines			
Key Client Deadline	**Description**	**Clients with June Cohort Seats**	**Clients with ONLY July Cohort Seats**
MOU Deadline	MOU must be signed. After signing, but prior to the various participant deadlines listed below, the Client can request additional seats (pending availability) via an MOU addendum.	**May 30, 2025**	**June 20, 2025**
Participant Entry Deadline	Participant names and information must be submitted, so participants have adequate time to enroll into Relay and register for Summer Intensive. Sessions will be filled on a first-come, first-served basis.	**June 2, 2025**	**June 23, 2025**
Participant Registration Deadline	Participants must complete their enrollment and Summer Intensive registration forms.	**June 6, 2025**	**June 27, 2025**

Payment Deadline	Relay will share an invoice shortly after a fully-executed MOU is returned to Relay. *Note: If the Client must submit a purchase order ("PO") before committing to pay Relay, the Client agrees to provide Relay with a copy of the PO no later than this date.*	**June 2, 2025**	**June 23, 2025**
Deadline to Confirm Participant Changes	Any participant replacements must be fully enrolled and registered.	**June 13, 2025**	**July 7, 2025**

A.4 Program Dates and Time Commitment

Participants will attend the following sessions listed below based on their program.

Program Commitments *Additional details for each program can be found on the Instructional Leadership Academies website: https://www.relay.edu/professional-education/leadership-programs*	
NPSA & NPAF	**Program Components:** ● **Summer Intensive:** The National Principal Supervisors Academy (NPSA) begins alongside the National Principal Academy Fellowship (NPAF) with the Summer Intensive. Participants will have the option of attending Summer Intensive in either June or July. The time commitment and content are the same for each cohort. **Option 1: June Cohort** (New Orleans, LA) ● ***June 17, 18, 20, 2025:*** Virtual Sessions ○ Participants will attend **two half-day** sessions out of multiple options within this date range ● ***June 23-27, 2025:*** In-Person Sessions **Option 2: July Cohort** (College Park, MD) ● ***July 9-11, 2025:*** Virtual Sessions ○ Participants will attend **two half-day** sessions out of multiple options within this date range ● ***July 14-18, 2025:*** In-Person Sessions ● **Intersession 1:** October 15-16, 2025 in College Park, MD ● **Intersession 2:** January 26-February 5, 2026 held virtually ○ Participants will pick **four, half-day** sessions out of multiple options within this date range. There are no sessions on Fridays. ● **Intersession 3:** May 7-8, 2026 in New Orleans, LA

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GRADUATE SCHOOL of EDUCATION

	● **Coaching Groups:** Participants will have the opportunity to attend coaching groups throughout the year to practice core skills and problem solve implementation challenges with other participants.
	● **Office Hours:** Participants will have access to an advisor for 1:1 coaching to problem solve implementation challenges and prepare assessments.
	● **Completion Requirements:** To formally complete the program, participants must meet three completion requirements:
	  ○ 1) Attend **Triathlon,** a feedback and practice event held in conjunction with Summer Intensive
	  ○ 2) Turn in one **assessment** (usually a video of practice with reflection) that scores a "Meets" on the assessment rubric
	  ○ 3) Create and present a **Capstone presentation** on a student outcome goal they set and worked on over the course of the year

ILPD	**Summer Intensive:** Instructional Leadership Professional Development (ILPD) participants will have the option to attend Summer Intensive in June or July. The time commitment and content are the same for each cohort.
	
	Option 1: June Cohort (New Orleans, LA)
	● ***June 17, 18, 20, 2025:*** Virtual Sessions
	  ○ Participants will attend **two half-day** sessions out of multiple options within this date range
	● ***June 23-26, 2025:*** In-Person Sessions
	
	Option 2: July Cohort (College Park, MD)
	● ***July 9-11, 2025:*** Virtual Sessions
	  ○ Participants will attend **two half-day** sessions out of multiple options within this date range
	● ***July 14-17, 2025:*** In-Person Sessions

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Alumni Refresh	**Program Components:** ● **NPSA/NPAF** ○ **Summer Intensive:** NPSA and/or NPAF alumni in the refresh program are required to attend a virtual orientation session during Summer Intensive. Alumni may then choose to attend any remaining Summer Intensive sessions. ○ **Intersessions:** Alumni may choose to attend any session(s) during Intersession 1, Intersession 2, and/or Intersession 3 throughout the year. ○ **Coaching Groups:** Coaching groups are optional for alumni participants. ○ **Office Hours:** Office hours are not available for NPSA/NPAF alumni. ○ **Travel Note:** Alumni participants are responsible for their hotel accommodations for all in-person events. Applicable information will be provided during event registration. Additionally, Relay does not book travel, please plan on handling all travel arrangements independently. ● **ILPD** ○ **Summer Intensive:** ILPD alumni in the refresh program are required to attend a virtual orientation session during Summer Intensive. Alumni may then choose to attend any remaining Summer Intensive sessions. ○ **Intersessions & Other Year Long Programming:** ILPD alumni are unable to attend NPSA/NPAF Intersessions or any other year long programming components. ○ **Travel Note:** Alumni participants are responsible for their hotel accommodations for all in-person events. Applicable information will be provided during event registration. Additionally, Relay does not book travel, please plan on handling all travel arrangements independently.
ILI	The Inclusive Leadership 4-day Intensive offers an initial dive into the prerequisite conditions and tier 1 structures of a strong Multi-Tiered Systems of Support (MTSS). Leaders will leave with a 90-day strategic implementation plan for one of the key levers. School and district leaders will come together to create transformative change via practical strategies, actionable frameworks, and practice opportunities to support exceptional learners in their schools and districts. Arc of Learning: ● Leading for All: Leading a Student-Centered Culture ● Access for All: Supporting Learners in Tier 1 Instruction: ● Belonging for All: Supporting the Social Emotional Needs of All Learners ● Planning for All: Strategic Planning

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A.5 Responsibilities & Division of Labor

Client Responsibilities	Relay Responsibilities
The Client will be responsible for: ● Selecting and sponsoring qualified leaders who are dedicated to fully engaging in the full year program. ● Choosing a summer intensive cohort (June or July) for each participant. ● Ensuring that they can pay for their participants travel accommodations (e.g. flight, ground transportation, etc). Relay will not cover travel accommodations for participants. ● For the Alumni Refresh Program: Ensuring that each participant/Client can pay for the hotel accommodations (which are not covered by Relay for participants in this specific program). ● Ensuring participant names are submitted by the designated deadline. ● Ensuring that all participants register on time for each training. ● Ensuring that participants attend sessions.	Relay will be responsible for: ● Planning and executing instruction and conference logistics ● Making course materials available online to each registered participant. ● Providing breakfast and lunch during in-person sessions. All other fees (parking, ground transportation, etc.) incurred by participants will be the Client's responsibility. ● Providing hotel room for each eligible participant (does not apply to Alumni Refresh Program participants).

Please initial to acknowledge and agree to Appendix A terms: _____

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of Budget Amendments for 2024-25 Budget Year

The routine budget amendments for the month of March are presented in the attached document for consideration by the Board of Trustees of the Alief Independent School District. The proposed amendments are composed of simple fund transfers or changes in revenue/expenditure with a summary explanation.

The current month General Fund net decrease of $137,359 to fund balance is due to advertising and recruitment ($55,000), innovation program ($26,000), National Board Certification fees ($475), work order system ($4,508), supervisors for student A/V workers at athletic events ($4,000), Taste of Alief and Alief Proud event costs ($5,786), biannual transportation training ($25,090), and epinephrine pens ($16,500).

The Capital Projects Fund fund balance decreases $38,553,000 for expenditure increases related to various bond projects included in the 2025 bond sale.

Recommendation: It is recommended that the Board of Trustees of the Alief Independent School District consider approval of the proposed budget amendments.

Dr. Anthony Mays
Superintendent

Charles Woods
Deputy Superintendent/Business Services

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

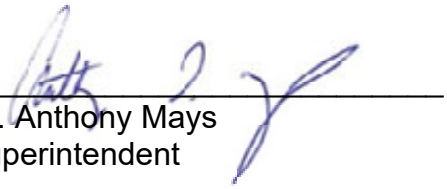
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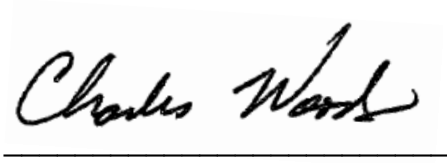
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The Capital Projects Fund fund balance decreases $38,553,000 for expenditure increases related to various bond projects included in the 2025 bond sale.

Recommendation: It is recommended that the Board of Trustees of the Alief Independent School District consider approval of the proposed budget amendments.



Dr. Anthony Mays
Superintendent



Charles Woods
Deputy Superintendent/Business Services

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Disbursements

The monthly list of bills paid for the period March 1, 2025, through March 31, 2025, is detailed in the attachment. Zero amounts as check totals are due to account distributions that exceed space limitations on the check stub and overflow onto one or more additional check stubs. If members of the Board of Trustees have questions regarding any of the disbursements, we would request that they contact our office prior to the Board meeting and list the check number and the payee for the item in question. We will pull the voucher and supporting documentation to give a detailed answer to any question during the public Board meeting.

Recommendation: Information item – no recommendation required.

Dr. Anthony Mays
Superintendent

Charles Woods
Deputy Superintendent/
Business Services

Alief Independent School District

Cash Disbursements

03/01/2025 through 03/31/2025

	Check Date	General Fund	Special Revenue Fund	Proprietary Funds	Capital Projects Fund	Debt Service Fund	Total
Pages 1-8	3/6	$ 2,354,757.24	$ 621,905.42	$ -	$ 57,199.00	$ -	$ 3,033,861.66
Page 8	3/7	$ 38,418.55	$ 37,859.41	$ -	$ -	$ -	$ 76,277.96
Pages 8-16	3/20	$ 834,148.15	$ 616,514.02	$ 25,799.64	$ 818,788.54	$ -	$ 2,295,250.35
Pages 16-24	3/27	$ 1,649,662.55	$ 1,246,005.61	$ 226,577.71	$ 575,720.59		$ 3,697,966.46
							$ -
							$ -
							$ -
Total		$ 4,876,986.49	$ 2,522,284.46	$ 252,377.35	$ 1,451,708.13	$ -	$ 9,103,356.43

ALIEF INDEPENDENT SCHOOL DISTRICT
CONSOLIDATED CHECK REGISTER
Report from 03/01/25 to 03/31/25

Check	Payee ID	Payee Name	Check Date	Description	Check Amount
00787553	V18430	A PRIVATE INVITATION CATERING	3/6/2025	Misc Expense	$ 1,025.00
00787554	V16886	ACCOUNTABLE HEALTHCARE STAFFIN	3/6/2025	Prof. Services	$ 3,600.00
00787555	V00173	ACE MART RESTAURANT SUPPLY CO	3/6/2025	General Supplies	$ 2,065.81
00787556	V14302	ACTION BASED LEARNING	3/6/2025	General Supplies	$ 2,922.85
00787557	V15706	ACTIVE NETWORK LLC	3/6/2025	Software	$ 250.00
00787558	V10430	ALAN K JOHNSON	3/6/2025	Other Contracts	$ 175.00
00787559	V00283	ALDINE ISD	3/6/2025	Fees	$ 250.00
00787560	V00291	ALIEF AMERICAN FEDERATION OF	3/6/2025	Prof Dues - TFT	$ 15,398.00
00787561	V00295	ALIEF ISD ALEXANDER ELEMENTARY	3/6/2025	Coca-Cola Commission	$ 90.37
00787562	V08044	ALIEF ISD COLLINS ELEMENTARY	3/6/2025	Coca-Cola Commission	$ 113.01
00787563	V00304	ALIEF ISD EDUCATION FOUNDATION	3/6/2025	Alief Education	$ 816.00
00787564	V00306	ALIEF ISD ELSIK HIGH SCHOOL	3/6/2025	Coca-Cola Commission	$ 711.02
00787565	V00314	ALIEF ISD HASTINGS HIGH SCHOOL	3/6/2025	Coca-Cola Commission	$ 314.12
00787566	V00317	ALIEF ISD HOLUB MIDDLE	3/6/2025	Student Travel	$ 250.00
00787567	V00328	ALIEF ISD MILLER INTERMEDIATE	3/6/2025	Coca-Cola Commission	$ 48.84
00787568	V00330	ALIEF ISD OLLE MIDDLE SCHOOL	3/6/2025	Coca-Cola Commission	$ 189.08
00787569	V00338	ALIEF ISD TAYLOR HIGH SCHOOL	3/6/2025	Coca-Cola Commission	$ 89.86
00787570	V14728	AMAZON CAPITAL SERVICES INC	3/6/2025	Books	$ 135.88
00787571	V00444	AMERICAN RED CROSS	3/6/2025	General Supplies	$ 60.00
00787572	V17370	ANDREA VIVAS	3/6/2025	Other Contracts	$ 1,000.00
00787573	V13902	ANDREW CAVAZOS	3/6/2025	Other Contracts	$ 600.00
00787574	V07510	ANN WILLIAMS	3/6/2025	Board Travel	$ 217.96
00787575	V15610	ANNETTE RAMIREZ	3/6/2025	Fees	$ 15.00
00787576	V00502	APPLE COMPUTER INC	3/6/2025	Equipment Repair	$ 1,823.85
00787577	V00533	ARNOLD OIL COMPANY OF HOUSTON	3/6/2025	Vehicle Fuel	$ 6,306.00
00787578	V18525	ASIA BELA HOSSAIN	3/6/2025	Other Contracts	$ 150.00
00787579	V00568	ASSOC OF TEXAS PROF EDUCATORS	3/6/2025	Prof Dues - ATPE	$ 2,840.35
00787580	V00120	AT&T	3/6/2025	Telephone	$ 47,230.82
00787581	V00631	B & H PHOTO VIDEO	3/6/2025	General Supplies	$ 1,971.50
00787582	V00694	BARNES & NOBLE BOOKSTORE INC	3/6/2025	Books	$ 3,019.20
00787583	V10240	BATTERIES PLUS BULBS	3/6/2025	Other Supplies	$ 1,554.42
00787584	V00725	BAYOU CITY INTEREST INC	3/6/2025	Audio-Visual	$ 3,692.50
00787585	V17317	BENJAMIN JOHN GRUBE	3/6/2025	Other Contracts	$ 300.00
00787586	V00932	BEVERLY J BRAMAN	3/6/2025	Other Contracts	$ 7,000.00
00787587	V17465	BG PRODUCTS INC	3/6/2025	Other Supplies	$ 1,005.60

ALIEF INDEPENDENT SCHOOL DISTRICT
CONSOLIDATED CHECK REGISTER
Report from 03/01/25 to 03/31/25

Check	Payee ID	Payee Name	Check Date	Description	Check Amount
00787588	113222	BLANCAS, MARK A	3/6/2025	Employee Travel	$ 59.10
00787589	V01850	BLICK ART MATERIALS	3/6/2025	Inventory	$ 1,519.26
00787590	V00988	BROOKS & SPARKS INC	3/6/2025	Buildings	$ 4,575.00
00787591	V01038	BUFFALO SOLDIERS NATIONAL MUSE	3/6/2025	Fees	$ 200.00
00787592	V01104	CDW GOVERNMENT INC	3/6/2025	Computer Supplie	$ 160,230.05
00787593	V15985	CHEERLEADING COMPANY INC	3/6/2025	General Supplies	$ 4,108.51
00787594	V15662	CHEMICAL AND FILTRATION PRODUC	3/6/2025	Building Supply	$ 6,279.34
00787595	V18512	CHRISTIAN ACOSTA	3/6/2025	Other Contracts	$ 150.00
00787596	V14982	CHRISTINA MARIONEAUX	3/6/2025	Other Contracts	$ 175.00
00787597	V01369	CITY OF HOUSTON	3/6/2025	Water	$ 12,432.18
00787598	V10879	CLAMPITT PAPER COMPANY	3/6/2025	Inventory	$ 27,426.00
00787599	V01396	CLEAR GLASS MOBILE SERVICE INC	3/6/2025	Vehicles	$ 589.00
00787600	V16818	CLEVELAND ISD	3/6/2025	Fees	$ 350.00
00787601	V16611	COMMON MARKET TEXAS INC	3/6/2025	General Supplies	$ 3,060.00
00787602	V01484	COMMUNITIES IN SCHOOLS HOUSTON	3/6/2025	Consulting	$ 1,256,630.00
00787603	V14547	CORGAN	3/6/2025	Bldg Fees	$ 1,869.00
00787604	V15370	COVETRUS NORTH AMERICA	3/6/2025	General Supplies	$ 2,079.00
00787605	V01619	CRISIS PREVENTION INSTITUTE IN	3/6/2025	Employee Travel	$ 12,294.00
00787606	V11530	CROCODILE ENCOUNTER	3/6/2025	Student Travel	$ 216.00
00787607	V15405	CURRICULUM ASSOCIATES LLC	3/6/2025	Books	$ 2,178.00
00787608	V12663	CXTEC	3/6/2025	General Supplies	$ 1,647.52
00787609	V10723	CYPRESS FAIRBANKS INDEPENDENT	3/6/2025	Fees	$ 1,435.00
00787610	V05079	DAVID G PEAKE TRUSTEE	3/6/2025	Bankruptcy	$ 5,616.63
00787611	V01794	DELL MARKETING	3/6/2025	Computer Supplie	$ 12,823.19
00787612	V01809	DEMCO	3/6/2025	Inventory	$ 1,642.00
00787613	V01874	DINERS CLUB	3/6/2025	Employee Travel	$ 1,597.98
00787614	V15514	DISA GLOBAL SOLUTIONS INC	3/6/2025	Other Contracts	$ 859.00
00787615	V01931	DOWNTOWN AQUARIUM	3/6/2025	Student Travel	$ 768.00
00787616	V01977	EAI - ERIC ARMIN INC.	3/6/2025	General Supplies	$ 1,256.65
00787617	V17873	EASTEX SEWING MACHINE CO	3/6/2025	General Supplies	$ 704.99
00787618	V18259	EMPIRE SPEECH SERVICES LLC	3/6/2025	Other Contracts	$ 2,812.50
00787619	V14357	FASTSIGNS #10701	3/6/2025	Misc Expense	$ 1,335.74
00787620	V17866	FERGUSON ENTERPRISES LLC	3/6/2025	Inventory	$ 2,889.20
00787621	V02307	FIRST COMMUNITY CREDIT UNION	3/6/2025	First Community	$ 82,890.72
00787622	V02318	FISHER SCIENTIFIC	3/6/2025	General Supplies	$ 1,130.00

ALIEF INDEPENDENT SCHOOL DISTRICT
CONSOLIDATED CHECK REGISTER
Report from 03/01/25 to 03/31/25

Check	Payee ID	Payee Name	Check Date	Description	Check Amount
00787623	V18591	FORT BEND CHILDREN'S DISCOVERY	3/6/2025	Student Travel	$ 840.00
00787624	V15977	FUNCTION 4 LLC	3/6/2025	Rental-ST Leases	$ 16.46
00787625	V15337	GANG RESPONSE INTERVENTION PRE	3/6/2025	Other Contracts	$ 650.00
00787626	V11395	GATEWAY PRINTING AND OFFICE SU	3/6/2025	Inventory	$ 3,418.56
00787627	V18318	GOOD REASON HOUSTON INC	3/6/2025	Other Contracts	$ 20,000.00
00787628	V02641	GOPHER SPORT	3/6/2025	General Supplies	$ 1,475.02
00787629	V02656	GRAINGER	3/6/2025	General Supplies	$ 1,210.47
00787630	V17598	HARDIES FRESH FOODS	3/6/2025	Food	$ 4,804.48
00787631	V02900	HARRIS COUNTY	3/6/2025	Other Contracts	$ 78.00
00787632	V18448	HEAD TO HEELS SAFETY SUPPLIES	3/6/2025	Inventory	$ 2,499.60
00787633	V02805	HMH SUPPLEMENTAL PUBLISHERS IN	3/6/2025	Software	$ 4,485.00
00787634	V18417	HOLT TRUCK CENTERS OF TEXAS LL	3/6/2025	Other Supplies	$ 14,582.41
00787635	V14537	HONORS GRADUATION LLC	3/6/2025	Misc Expense	$ 776.50
00787636	V03177	HOU TEX GLASS & MIRROR	3/6/2025	Buildings	$ 943.30
00787637	V03170	HOUSTON MUSEUM OF NATURAL SCIE	3/6/2025	Student Travel	$ 1,323.00
00787638	V05669	HOUSTON ROCKETS	3/6/2025	Student Travel	$ 778.00
00787639	V03239	HUNTON DISTRIBUTION	3/6/2025	Building Supply	$ 180.00
00787640	V17988	IMPERIAL DADE	3/6/2025	Inventory	$ 73.20
00787641	V13786	IMPERIAL WRECKER SERVICE INC	3/6/2025	Vehicles	$ 125.00
00787642	V18327	INSPIREDST STAFFING AND CONSUL	3/6/2025	Other Contracts	$ 2,250.00
00787643	V03386	INTERSTATE BILLING SERVICE INC	3/6/2025	Other Supplies	$ 4,892.69
00787644	V18024	JACOB LEE	3/6/2025	Other Contracts	$ 150.00
00787645	V17856	JASON MICHAELIS	3/6/2025	Other Contracts	$ 350.00
00787646	V03484	JASON'S DELI	3/6/2025	Misc Expense	$ 48.75
00787647	V03484	JASON'S DELI	3/6/2025	Misc Expense	$ 158.46
00787648	V12597	JD PALATINE LLC	3/6/2025	Other Contracts	$ 671.85
00787649	V12582	JEAN'S RESTAURANT SUPPLY	3/6/2025	General Supplies	$ 186.09
00787650	V18537	JENNA BRIXIUS	3/6/2025	Other Contracts	$ 1,250.00
00787651	V15553	JOHNSON CONTROLS FIRE PROTECTI	3/6/2025	Buildings	$ 29,723.09
00787652	V03554	JOHNSON SUPPLY & EQUIPMENT COR	3/6/2025	Building Supply	$ 5,181.95
00787653	V13526	JOSE ARMANDO PECINA	3/6/2025	Other Contracts	$ 360.00
00787654	V12873	JOSEPH'S CATERING	3/6/2025	Misc Expense	$ 1,300.00
00787655	V13311	KERRY TALLEY	3/6/2025	Other Contracts	$ 1,350.00
00787656	VOID.CONTINU	Void - Continued Stub	3/6/2025		$ -
00787657	VOID.CONTINU	Void - Continued Stub	3/6/2025		$ -

ALIEF INDEPENDENT SCHOOL DISTRICT
CONSOLIDATED CHECK REGISTER
Report from 03/01/25 to 03/31/25

Check	Payee ID	Payee Name	Check Date	Description	Check Amount
00787658	V03766	LABATT FOOD SERVICE	3/6/2025	Food	$ 264,126.16
00787659	V17198	LAKESHORE LEARNING MATERIALS L	3/6/2025	General Supplies	$ 2,424.51
00787660	V17162	LEAD PARTNERS LLC	3/6/2025	Consulting	$ 3,300.00
00787661	V18274	LEGACY COLLISION LLC	3/6/2025	Vehicles	$ 6,286.10
00787662	V16739	LINDENMEYR MUNROE	3/6/2025	Inventory	$ 8,281.60
00787663	V03970	LISLE VIOLIN SHOP	3/6/2025	General Supplies	$ 446.00
00787664	V18395	LITTLE MARIA'S CAFE	3/6/2025	Misc Expense	$ 1,040.00
00787665	V18074	LOCKWOOD ANDREWS & NEWMAN INC	3/6/2025	Other Contracts	$ 55,330.00
00787666	V04032	LOWE'S	3/6/2025	Building Supply	$ 3,841.85
00787667	V17458	MARLON LIZAMA	3/6/2025	Other Contracts	$ 2,000.00
00787668	V14853	MATH-A-MATICS TUTORING LLC	3/6/2025	Other Contracts	$ 4,950.00
00787669	V18326	MC ADAMS IRUBOR	3/6/2025	Other Contracts	$ 300.00
00787670	V15782	MCCORMICK'S GROUP LLC	3/6/2025	General Supplies	$ 752.50
00787671	V18323	MGT IMPACT SOLUTIONS LLC	3/6/2025	Equipment Repair	$ 5,211.80
00787672	V12240	MICHELLE MARIE MARTINEZ	3/6/2025	Other Contracts	$ 150.00
00787673	V04424	MISSION BEND M U D #2	3/6/2025	Water	$ 3,370.65
00787674	V18515	MIX N MORE INC	3/6/2025	Inventory	$ 758.40
00787675	V04550	MUSIC & ARTS CENTERS	3/6/2025	General Supplies	$ 3,174.00
00787676	V18281	NANCY TRENT	3/6/2025	Other Contracts	$ 2,000.00
00787677	V04633	NASCO	3/6/2025	General Supplies	$ 1,696.59
00787678	V18439	NATIONAL RECRUITING CONSULTANT	3/6/2025	Other Contracts	$ 2,250.00
00787679	V04675	NATIONAL SPEECH AND DEBATE ASS	3/6/2025	Dues	$ 20.00
00787680	V17819	NOVA THERAPY SERVICES PLLC	3/6/2025	Other Contracts	$ 15,435.00
00787681	VOID.CONTINU	Void - Continued Stub	3/6/2025		$ -
00787682	VOID.CONTINU	Void - Continued Stub	3/6/2025		$ -
00787683	VOID.CONTINU	Void - Continued Stub	3/6/2025		$ -
00787684	V17772	OAK FARMS - HOUSTON	3/6/2025	Food	$ 83,467.49
00787685	V17226	ODP BUSINESS SOLUTIONS LLC	3/6/2025	Furn & Equipment	$ 6,261.37
00787686	V04888	OIL RANCH	3/6/2025	Student Travel	$ 1,496.00
00787687	V18602	OPEMIPOSI ADEOLUWA ODOLE	3/6/2025	Awards	$ 1,000.00
00787688	V18244	PAPA JOHNS PIZZA	3/6/2025	Fees	$ 45.00
00787689	V18547	PATH2STAFF SOLUTIONS LLC	3/6/2025	Other Contracts	$ 10,500.00
00787690	V05186	PIKE'S PEAK OF TEXAS INC	3/6/2025	General Supplies	$ 294.39
00787691	V05236	POCKET NURSE ENTERPRISES INC	3/6/2025	General Supplies	$ 734.30
00787692	V10422	POLLOCK INVESTMENTS INC	3/6/2025	Inventory	$ 31,420.96

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00787693	V18120	PRESTON HUTSON	3/6/2025	Other Contracts	$ 150.00
00787694	V07090	PROGRESS LEARNING LLC	3/6/2025	Software	$ 1,633.33
00787695	V05388	QEP INC	3/6/2025	Books	$ 398.00
00787696	V08212	QUADIENT INC	3/6/2025	Software	$ 187.49
00787697	V17874	RALLY INC	3/6/2025	Inventory	$ 567.00
00787698	V17742	RAPTOR TECHNOLOGIES LLC	3/6/2025	Tech Equipment	$ 730.00
00787699	V05519	REGION IV ESC	3/6/2025	Other Services	$ 1,615.00
00787700	V17435	REPUBLIC SERVICES INC	3/6/2025	Other Contracts	$ 39,588.85
00787701	V15000	REXEL USA INC	3/6/2025	Building Supply	$ 83.42
00787702	V17578	RICEBIRD BOOSTER CLUB INC	3/6/2025	Fees	$ 300.00
00787703	V18052	RICHELIEU AMERICA LTD	3/6/2025	Building Supply	$ 87.40
00787704	V15329	RICHMOND EQUIPMENT	3/6/2025	Other Repairs	$ 390.00
00787705	V05818	SAM BASSETT LUMBER CO	3/6/2025	Building Supply	$ 418.50
00787706	VOID.CONTINU	Void - Continued Stub	3/6/2025		$ -
00787707	V05828	SAMS CLUB DIRECT	3/6/2025	General Supplies	$ 26,381.74
00787708	V17169	SAQIB SIDDIQUI	3/6/2025	Other Contracts	$ 150.00
00787709	V16789	SCHOOL SPECIALTY LLC	3/6/2025	General Supplies	$ 916.78
00787710	V17388	SEBASTIAN MAGANA	3/6/2025	Other Contracts	$ 1,500.00
00787711	V13981	SECURED MOBILITY LLC	3/6/2025	Inventory	$ 10,560.00
00787712	V17808	SEEDS OF CARE PEDIATRIC THERAP	3/6/2025	Other Contracts	$ 5,648.25
00787713	V18483	SENERGY PETROLEUM LLC	3/6/2025	Vehicle Fuel	$ 8,605.63
00787714	V05761	SHI GOVERNMENT SOLUTIONS INC	3/6/2025	Software	$ 7,671.96
00787715	V13868	SKY HIGH PARTY RENTALS LLC	3/6/2025	Rental-ST Leases	$ 383.00
00787716	V17416	SOLIANT HEALTH LLC	3/6/2025	Other Contracts	$ 4,900.00
00787717	V10409	SOUTHERN COMPUTER WAREHOUSE	3/6/2025	Computer Supplie	$ 17,609.10
00787718	V06187	SOUTHERN FLORAL	3/6/2025	General Supplies	$ 427.76
00787719	V11440	SOUTHWEST SEWING MACHINES LLC	3/6/2025	Other Repairs	$ 3,670.50
00787720	V06228	SOUTHWESTERN PAINT & WALLPAPER	3/6/2025	Building Supply	$ 436.46
00787721	V12573	STEPPING STONES GROUP LLC	3/6/2025	Other Contracts	$ 10,540.00
00787722	V18256	SUNSAFE FILM LLC	3/6/2025	Bldg Improvement	$ 136,320.12
00787723	V18179	SW SCHOOL SUPPLY INC	3/6/2025	Inventory	$ 1,643.03
00787724	V06485	T MOBILE USA INC	3/6/2025	Telephone	$ 44,801.13
00787725	V18337	TALLEST TREES LLC	3/6/2025	Other Contracts	$ 8,750.00
00787726	V18100	TANDEM PSYCHIATRY AND FAMILY P	3/6/2025	Other Contracts	$ 275.00
00787727	V08190	TARGET SPECIALTY PRODUCTS	3/6/2025	Grounds	$ 1,417.30

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00787728	V14428	TAVILSON MUSIC	3/6/2025	Other Contracts	$ 300.00
00787729	V18462	TAYLOR COMPTON	3/6/2025	Royalties	$ 75.00
00787730	V17618	TEX AIR FILTERS	3/6/2025	Building Supply	$ 311.88
00787731	V06745	TEXAS CLASSROOM TEACHERS ASSOC	3/6/2025	Prof Dues - TCTA	$ 64.31
00787732	V06772	TEXAS DEPARTMENT OF PUBLIC SAF	3/6/2025	Fees	$ 39.00
00787733	V06795	TEXAS FORENSIC ASSOCIATION	3/6/2025	Fees	$ 1,870.00
00787734	V06819	TEXAS MUNICIPAL POLICE ASSOC	3/6/2025	Prof Dues - TMP	$ 28.00
00787735	V06824	TEXAS POLITICAL SUBDIVISIONS	3/6/2025	Liability Ins.	$ 28,156.00
00787736	V18598	TEXAS SCHOOL ASSESSORS ASSOCIA	3/6/2025	Dues	$ 55.00
00787737	V18598	TEXAS SCHOOL ASSESSORS ASSOCIA	3/6/2025	Employee Travel	$ 250.00
00787738	V18272	TEXAS SPEECH AND MORE	3/6/2025	Other Contracts	$ 2,370.00
00787739	V06846	TEXAS STATE TEACHERS ASSOCIATI	3/6/2025	Prof Dues - TSTA	$ 14,590.87
00787740	V17277	THERAPYTRAVELERS	3/6/2025	Other Contracts	$ 6,277.50
00787741	V06888	THOMAS BUS GULF COAST	3/6/2025	Other Supplies	$ 11,759.37
00787742	V18509	THOMAS D ARMSTRONG III	3/6/2025	Other Contracts	$ 150.00
00787743	V02983	TIFFANY D CASTRO	3/6/2025	Bankruptcy	$ 4,415.53
00787744	127025	TORRES, ANDRES	3/6/2025	Misc Expense	$ 950.00
00787745	V18513	TRANESHIA PARKER	3/6/2025	Other Contracts	$ 3,250.00
00787746	V14889	TRANSITION THE BOOK LLC	3/6/2025	Other Contracts	$ 4,000.00
00787747	V18548	U S DEPARTMENT OF THE TREASURY	3/6/2025	Wage Levy	$ 556.35
00787748	V07106	U S POSTMASTER	3/6/2025	General Supplies	$ 350.00
00787749	V07106	U S POSTMASTER	3/6/2025	General Supplies	$ 350.00
00787750	V07106	U S POSTMASTER	3/6/2025	General Supplies	$ 1,020.00
00787751	V07106	U S POSTMASTER	3/6/2025	General Supplies	$ 50,000.00
00787752	V17149	UNIFIRST CORPORATION	3/6/2025	Other Contracts	$ 860.34
00787753	V07142	UNITED REFRIGERATION INC	3/6/2025	Building Supply	$ 112.20
00787754	V07157	UNITED STATES TREASURY	3/6/2025	Wage Levy	$ 844.00
00787755	V13913	UNIVERSAL TRANSMISSION COMPLET	3/6/2025	Vehicles	$ 1,295.00
00787756	V07140	UPS	3/6/2025	Misc Expense	$ 54.00
00787757	V18178	US BANK EQUIPMENT FINANCE	3/6/2025	Rental-ST Leases	$ 1,550.18
00787758	V18128	VENUE SEVEN LLC	3/6/2025	Misc Expense	$ 200.00
00787759	V17952	VERSA CREATIVE GROUP LLC	3/6/2025	Other Contracts	$ 570.00
00787760	V17868	WALKINGSPREE USA LTD	3/6/2025	Walking Spree	$ 1,813.07
00787761	V13130	WESTCHASE DISTRICT COMMUNITY F	3/6/2025	Misc Expense	$ 1,000.00
00787762	V16917	XEROX FINANCIAL SERVICES LLC	3/6/2025	Lsed Asst Princ	$ 47,675.75

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00787763	V17879	XL PARTS LLC	3/6/2025	Other Supplies	$ 3,368.61
00787764	V18487	YOU MAY SPEAK HEALTH SERVICES	3/6/2025	Other Contracts	$ 4,805.00
00787765	V15451	YOUTH EQUIPPED TO SUCCEED	3/6/2025	Other Contracts	$ 31,504.65
00787766	V18551	YVONNE PHILLIPS-DUPREE	3/6/2025	Other Contracts	$ 450.00
01016403	V00026	ABC SUPPLY CO	3/6/2025	Building Supply	$ 279.25
01016404	V00038	ACP DIRECT	3/6/2025	Computer Supplie	$ 3,488.95
01016405	V00441	AMERICAN PRINTING HOUSE	3/6/2025	Textbooks	$ 224.00
01016406	V13559	AUTOZONE	3/6/2025	Other Supplies	$ 389.63
01016407	V00987	BROOKS DUPLICATOR COMPANY	3/6/2025	General Supplies	$ 654.65
01016408	V00648	BSN SPORTS	3/6/2025	General Supplies	$ 12,868.02
01016409	V01026	BUCKEYE CLEANING CENTER-HOUSTO	3/6/2025	Inventory	$ 30,231.60
01016410	V01267	CHALKS TRUCK PARTS INC	3/6/2025	Software	$ 2,670.00
01016411	V11535	CLASSIC CHEVROLET SUGAR LAND L	3/6/2025	Vehicles	$ 2,214.94
01016412	V16027	COMPETITIVE CHOICE INC	3/6/2025	Inventory	$ 697.60
01016413	V15013	COUGHLAN COMPANIES LLC	3/6/2025	Library Books	$ 1,541.28
01016414	V11837	CRESTLINE SPECIALTIES INC	3/6/2025	Awards	$ 503.77
01016415	V02133	ELEVATOR TRANSPORTATION SVCS I	3/6/2025	Buildings	$ 385.00
01016416	V10111	FASTENAL COMPANY	3/6/2025	Building Supply	$ 567.54
01016417	V02340	FLINN SCIENTIFIC INC	3/6/2025	Computer Supplie	$ 266.67
01016418	V16159	FOSTER FENCE LTD	3/6/2025	Buildings	$ 3,784.00
01016419	V02411	FRANKLIN COVEY	3/6/2025	Dues	$ 5,100.00
01016420	V02741	GUARDIAN REPAIR PARTS	3/6/2025	General Supplies	$ 59.98
01016421	V02995	HENRY SCHEIN / MBM	3/6/2025	Inventory	$ 152.16
01016422	V03556	JOHNSTONE SUPPLY	3/6/2025	Building Supply	$ 37.80
01016423	V03852	LAWSON PRODUCTS	3/6/2025	Other Supplies	$ 87.50
01016424	V10402	LIBERTY OFFICE PRODUCTS	3/6/2025	Computer Supplie	$ 5,111.35
01016425	V15252	MEDCO SUPPLY	3/6/2025	Inventory	$ 228.60
01016426	V16277	MINER LTD	3/6/2025	Buildings	$ 943.51
01016427	V04082	MSC INDUSTRIAL SUPPLY	3/6/2025	Other Supplies	$ 394.00
01016428	V04939	O'REILLY AUTO PARTS	3/6/2025	Other Supplies	$ 1,293.15
01016429	V04942	ORIENTAL TRADING COMPANY INC	3/6/2025	Misc Expense	$ 2,682.06
01016430	V15210	PARTS TOWN LLC	3/6/2025	Building Supply	$ 143.52
01016431	V05258	POSITIVE PROMOTIONS	3/6/2025	General Supplies	$ 624.67
01016432	V15077	SAFETY VISION LLC	3/6/2025	Computer Supplie	$ 365.38
01016433	V05897	SCHOLASTIC INC	3/6/2025	Library Books	$ 2,319.41

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01016434	V05920	SCHOOL HEALTH CORPORATION	3/6/2025	General Supplies	$ 1,512.04
01016435	V10758	SCHOOL OUTFITTERS	3/6/2025	Computer Supplie	$ 2,264.95
01016436	V17951	SCM CONSULTANTS INC	3/6/2025	Inventory	$ 66.00
01016437	V06199	SOUTHERN TIRE MART	3/6/2025	Other Supplies	$ 2,981.00
01016438	V06208	SOUTHWASTE DISPOSAL LLC	3/6/2025	Other Contracts	$ 4,389.00
01016439	V06455	SUPER DUPER PUBLICATIONS	3/6/2025	General Supplies	$ 2,296.11
01016440	V06569	TMS SOUTH	3/6/2025	Building Supply	$ 11,943.51
01016441	V07005	TRIANGLE PRINTING & MARKETING	3/6/2025	Buildings	$ 970.21
01016442	V07082	ULINE INC	3/6/2025	General Supplies	$ 396.91
01016443	V07266	VALLEY SPEECH LANGUAGE &	3/6/2025	General Supplies	$ 214.50
01016444	V07605	WORLD WIDE IMAGING SUPPLIES	3/6/2025	Computer Supplie	$ 6,976.90
01016445	V13499	XEROX BUSINESS SOLUTIONS SOUTH	3/6/2025	Other Contracts	$ 1,935.03
00787767	V16886	ACCOUNTABLE HEALTHCARE STAFFIN	3/7/2025	Prof. Services	$ 2,800.00
00787768	117188	BREAUX, DARLENE E	3/7/2025	Board Travel	$ 36.80
00787769	V16838	CHARLIES PLUMBING INC	3/7/2025	Buildings	$ 4,972.75
00787770	V10176	CITIBANK NA	3/7/2025	General Supplies	$ 15,070.17
00787771	V01369	CITY OF HOUSTON	3/7/2025	Water	$ 2,432.47
00787772	V17780	COOLE SCHOOL	3/7/2025	General Supplies	$ 499.50
00787773	V12312	CRAWFORD ELECTRIC SUPPLY COMPA	3/7/2025	Building Supply	$ 3,413.42
00787774	V15340	ELITE K-9 INC	3/7/2025	General Supplies	$ 1,253.96
00787775	V12987	LEARNING FORWARD TEXAS	3/7/2025	Employee Travel	$ 4,248.00
00787776	V18386	MAKING IT BETTER	3/7/2025	Other Contracts	$ 14,467.95
00787777	V10409	SOUTHERN COMPUTER WAREHOUSE	3/7/2025	Computer Supplie	$ 7,263.66
00787778	V06510	TASB INC	3/7/2025	Other Contracts	$ 105.00
00787779	V06738	TEXAS CAUCUS OF BLACK SCHOOL	3/7/2025	Board Travel	$ 200.00
00787780	VOID.CONTINU	Void - Continued Stub	3/7/2025		$ -
00787781	V17149	UNIFIRST CORPORATION	3/7/2025	Other Contracts	$ 1,424.67
01016446	V02411	FRANKLIN COVEY	3/7/2025	Other Contracts	$ 12,100.00
01016447	V15210	PARTS TOWN LLC	3/7/2025	Building Supply	$ 318.14
01016448	V05248	POOLSURE	3/7/2025	Buildings	$ 732.16
01016449	V06569	TMS SOUTH	3/7/2025	Building Supply	$ 4,939.31
00787782	V18503	4 THE FUTURE CONSULTING GROUP	3/20/2025	Other Contracts	$ 19,734.00
00787783	V18430	A PRIVATE INVITATION CATERING	3/20/2025	Misc Expense	$ 647.50
00787784	V16886	ACCOUNTABLE HEALTHCARE STAFFIN	3/20/2025	Prof. Services	$ 2,000.00
00787785	V14302	ACTION BASED LEARNING	3/20/2025	Employee Travel	$ 795.00

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00787786	V17235	ACUTRANS INC	3/20/2025	Other Contracts	$ 232.90
00787787	V15805	ADAPTIVE TECH SOLUTIONS LLC	3/20/2025	Computer Supplie	$ 270.80
00787788	V18552	ADITRI CHOWDHURY	3/20/2025	Other Contracts	$ 150.00
00787789	V18450	AIRWALL SOLUTIONS LLC	3/20/2025	Buildings	$ 1,498.75
00787790	V18062	ALEXANDER JOB MARTIN	3/20/2025	Other Contracts	$ 300.00
00787791	V00338	ALIEF ISD TAYLOR HIGH SCHOOL	3/20/2025	Student Travel	$ 300.00
00787792	V00355	ALL PLAY INC	3/20/2025	Land Imprve Depr	$ 20,613.00
00787793	V00400	AMC MUSIC INC	3/20/2025	General Supplies	$ 1,398.82
00787794	V00444	AMERICAN RED CROSS	3/20/2025	General Supplies	$ 20.00
00787795	V00446	AMERICAN SCHOOL COUNSELOR ASSO	3/20/2025	Dues	$ 129.00
00787796	V15070	AMY BENNETT	3/20/2025	Other Contracts	$ 500.00
00787797	V18575	ANNA WEBSTER	3/20/2025	Other Contracts	$ 300.00
00787798	V15610	ANNETTE RAMIREZ	3/20/2025	Fees	$ 22.50
00787799	V15610	ANNETTE RAMIREZ	3/20/2025	Fees	$ 100.00
00787800	V15610	ANNETTE RAMIREZ	3/20/2025	Fees	$ 100.00
00787801	V15610	ANNETTE RAMIREZ	3/20/2025	Fees	$ 20.50
00787802	V00533	ARNOLD OIL COMPANY OF HOUSTON	3/20/2025	Vehicle Fuel	$ 951.81
00787803	V17810	ASHIA TAMERA JACKSON	3/20/2025	Other Contracts	$ 1,070.00
00787804	V18012	ASHLEY SALGUERO CHAMORRO	3/20/2025	Other Contracts	$ 150.00
00787805	V10114	ASHLY GARZA	3/20/2025	Other Contracts	$ 200.00
00787806	V18525	ASIA BELA HOSSAIN	3/20/2025	Other Contracts	$ 300.00
00787807	V00117	AT&T MOBILITY NATIONAL ACCOUNT	3/20/2025	Telephone	$ 22,287.24
00787808	V00599	AUTOMATED LOGIC CONTRACTING SE	3/20/2025	Other Contracts	$ 6,349.00
00787809	V18411	AVALON MOTOR COACHES LLC	3/20/2025	Non-empl Travel	$ 1,914.00
00787810	V00123	AVID CENTER	3/20/2025	Employee Travel	$ 999.00
00787811	V00607	AVIS RENT A CAR SYSTEM INC.	3/20/2025	Employee Travel	$ 361.92
00787812	V15502	BALLOON N NOVELTY	3/20/2025	Rental-ST Leases	$ 1,251.61
00787813	V17803	BANNER SOLUTIONS INC	3/20/2025	General Supplies	$ 663.60
00787814	V15779	BARNES & NOBLE COLLEGE BOOKSEL	3/20/2025	Textbooks	$ 27,988.79
00787815	V10240	BATTERIES PLUS BULBS	3/20/2025	Building Supply	$ 510.00
00787816	V00757	BEECHNUT MUD	3/20/2025	Water	$ 12,122.10
00787817	V00798	BEST BUY	3/20/2025	Computer Supplie	$ 519.98
00787818	V01850	BLICK ART MATERIALS	3/20/2025	General Supplies	$ 878.01
00787819	V16828	BOSWORTH PAPERS	3/20/2025	Inventory	$ 7,692.00
00787820	V13578	BRAM SEBIO-RANGEL	3/20/2025	Other Contracts	$ 300.00

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00787821	V16715	BRIAN ALFORD	3/20/2025	Other Contracts	$ 225.00
00787822	V15905	BRINK'S INCORPORATED	3/20/2025	Other Contracts	$ 608.45
00787823	V18543	BRYAN BENITEZ	3/20/2025	Other Contracts	$ 300.00
00787824	V16706	CAPE EQUIPMENT & SERVICES LLC	3/20/2025	Equipment Repair	$ 12,235.00
00787825	V01193	CAROLINA BIOLOGICAL SUPPLY CO	3/20/2025	General Supplies	$ 2,595.40
00787826	V01248	CENTERPOINT ENERGY	3/20/2025	Gas/Other Heat	$ 3,083.62
00787827	V18112	CESO COMMUNICATIONS LLC	3/20/2025	Other Contracts	$ 4,050.00
00787828	V17323	CHILD FIRST SPEECH LLC	3/20/2025	Other Contracts	$ 16,000.90
00787829	V01354	CIRCLE SAW BUILDERS SUPPLY INC	3/20/2025	Building Supply	$ 205.70
00787830	V01369	CITY OF HOUSTON	3/20/2025	Water	$ 89,492.81
00787831	V16510	CLASSIC CHEVROLET WEST HOUSTON	3/20/2025	Vehicles	$ 139.95
00787832	V11981	CLEAR BROOK HIGH SCHOOL	3/20/2025	Fees	$ 250.00
00787833	V11379	CLEMENTS HIGH SCHOOL	3/20/2025	Fees	$ 60.00
00787834	V02647	CONNECTION INC	3/20/2025	Computer Supplie	$ 1,779.00
00787835	V11142	CONSOLIDATED ELECTRICAL DISTRI	3/20/2025	Building Supply	$ 6,553.91
00787836	V16759	COSTAR REALTY INFORMATION INC	3/20/2025	Software	$ 470.25
00787837	V15370	COVETRUS NORTH AMERICA	3/20/2025	General Supplies	$ 414.69
00787838	V14309	CROWN TROPHY 305 LLC	3/20/2025	Awards	$ 210.00
00787839	V13873	CUMMINS SOUTHERN PLAINS LLC	3/20/2025	Buildings	$ 2,478.99
00787840	V11143	DAXWELL DISTRIBUTION	3/20/2025	Inventory	$ 8,716.40
00787841	V01687	DBR ENGINEERING CONSULTANTS IN	3/20/2025	Bldg Improvement	$ 241,500.00
00787842	V15156	DEBBIE WADDELL	3/20/2025	Other Contracts	$ 150.00
00787843	V15989	DEBBY HAREN	3/20/2025	Other Contracts	$ 150.00
00787844	V17203	DELECTABLES AND DECOR	3/20/2025	Misc Expense	$ 100.00
00787845	V01794	DELL MARKETING	3/20/2025	Computer Supplie	$ 187,428.35
00787846	V01809	DEMCO	3/20/2025	General Supplies	$ 2,993.94
00787847	V18295	E-THERAPY INTERMEDIATE INC	3/20/2025	Other Contracts	$ 11,583.00
00787848	V01977	EAI - ERIC ARMIN INC.	3/20/2025	General Supplies	$ 471.41
00787849	V16596	ECS LEARNING SYSTEMS	3/20/2025	General Supplies	$ 4,651.20
00787850	V18583	EDISON SANON	3/20/2025	Other Contracts	$ 300.00
00787851	V18151	EMPIRE PROMOS LLC	3/20/2025	Misc Expense	$ 1,620.00
00787852	V18259	EMPIRE SPEECH SERVICES LLC	3/20/2025	Other Contracts	$ 2,812.50
00787853	V18584	ENTERPRISING WOMEN FOUNDATION	3/20/2025	Employee Travel	$ 10,890.20
00787854	V18582	EVELYN CAMILLE SILSBY	3/20/2025	Other Contracts	$ 150.00
00787855	V18527	EWALD KUBOTA	3/20/2025	Grounds	$ 2,454.65

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00787856	V02230	EXTREME CLIMBING LLC	3/20/2025	Rental-ST Leases	$ 900.00
00787857	V17940	FAMILYSTORE PARTY DECORATIONS	3/20/2025	Misc Expense	$ 360.00
00787858	V14357	FASTSIGNS #10701	3/20/2025	General Supplies	$ 826.04
00787859	V17721	FLEETPRIDE INC	3/20/2025	Other Supplies	$ 760.00
00787860	V17110	FOLLETT CONTENT SOLUTIONS LLC	3/20/2025	Library Books	$ 5,675.77
00787861	V10331	FORT BEND MUSIC CENTER	3/20/2025	Other Repairs	$ 4,051.00
00787862	V17821	FTG INTERNATIONAL LLC	3/20/2025	Equipment Repair	$ 31,897.79
00787863	V16234	GABRIELA LUNA	3/20/2025	Other Contracts	$ 200.00
00787864	V11469	GALLAGHER BENEFIT SERVICES INC	3/20/2025	Consulting	$ 11,458.33
00787865	V11395	GATEWAY PRINTING AND OFFICE SU	3/20/2025	Inventory	$ 2,143.80
00787866	V02464	GDI TIMS	3/20/2025	Telephone	$ 10.88
00787867	V02466	GFOA	3/20/2025	Employee Travel	$ 75.00
00787868	V02641	GOPHER SPORT	3/20/2025	General Supplies	$ 2,918.54
00787869	V02656	GRAINGER	3/20/2025	General Supplies	$ 2,108.28
00787870	V17934	GUIRONG LIU	3/20/2025	Other Contracts	$ 300.00
00787871	V17412	GULF COAST BANK & TRUST	3/20/2025	Other Contracts	$ 34,072.50
00787872	V17434	GULF COAST BOILER LLC	3/20/2025	Building Supply	$ 255.78
00787873	V16134	H2I GROUP	3/20/2025	Building Supply	$ 2,304.00
00787874	V17598	HARDIES FRESH FOODS	3/20/2025	Food	$ 5,878.80
00787875	V02903	HARRIS COUNTY DEPT OF ED - HCD	3/20/2025	Other Contracts	$ 2,376.80
00787876	V02903	HARRIS COUNTY DEPT OF ED - HCD	3/20/2025	Employee Travel	$ 100.00
00787877	V02909	HARRIS COUNTY MUD #158	3/20/2025	Water	$ 433.16
00787878	V18449	HD SUPPLY FACILITIES MAINTENAN	3/20/2025	Inventory	$ 1,066.00
00787879	V18448	HEAD TO HEELS SAFETY SUPPLIES	3/20/2025	Inventory	$ 2,147.04
00787880	V18417	HOLT TRUCK CENTERS OF TEXAS LL	3/20/2025	Other Supplies	$ 6,652.42
00787881	V03137	HOUSTON CHRONICLE	3/20/2025	Statutorily Reqd	$ 862.92
00787882	V03151	HOUSTON DEPT OF HEALTH & HUMAN	3/20/2025	Fees	$ 459.54
00787883	V18563	HUNTER RICARDO ADAMS	3/20/2025	Other Contracts	$ 300.00
00787884	V03239	HUNTON DISTRIBUTION	3/20/2025	Building Supply	$ 390.24
00787885	V14102	HUNTON SERVICES	3/20/2025	Buildings	$ 575.00
00787886	V17988	IMPERIAL DADE	3/20/2025	Inventory	$ 5,280.24
00787887	V11714	INDUSTRIAL COMMUNICATIONS	3/20/2025	General Supplies	$ 1,227.90
00787888	V13438	INSPIRA FINANCIAL HEALTH INC	3/20/2025	Other Contracts	$ 1,035.78
00787889	V18327	INSPIREDST STAFFING AND CONSUL	3/20/2025	Other Contracts	$ 2,812.50
00787890	V03386	INTERSTATE BILLING SERVICE INC	3/20/2025	Other Supplies	$ 473.28

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00787891	V18406	JAMAIL & SMITH CONSTRUCTION LP	3/20/2025	Land Imprve Depr	$ 250,638.50
00787892	V03484	JASON'S DELI	3/20/2025	Misc Expense	$ 58.63
00787893	V17911	JAZMINE ALONDRA ALEJOS	3/20/2025	Other Contracts	$ 300.00
00787894	V02632	JERRY MAC FUQUA JR	3/20/2025	Other Contracts	$ 2,800.00
00787895	V03554	JOHNSON SUPPLY & EQUIPMENT COR	3/20/2025	Building Supply	$ 458.73
00787896	V03624	KATY ISD	3/20/2025	Misc Expense	$ 344.30
00787897	V18533	KAYLEE FLOWERS	3/20/2025	Other Contracts	$ 100.00
00787898	V13728	KIMBALL MIDWEST	3/20/2025	Other Supplies	$ 502.05
00787899	V18554	KRIS BERG JAZZ	3/20/2025	Other Contracts	$ 8,840.00
00787900	V03730	KROGER CO	3/20/2025	Misc Expense	$ 1,269.72
00787901	VOID.CONTINU	Void - Continued Stub	3/20/2025		$ -
00787902	VOID.CONTINU	Void - Continued Stub	3/20/2025		$ -
00787903	V03766	LABATT FOOD SERVICE	3/20/2025	Food	$ 327,391.68
00787904	V03766	LABATT FOOD SERVICE	3/20/2025	Misc Expense	$ 3,349.22
00787905	V03766	LABATT FOOD SERVICE	3/20/2025	Items For Sale	$ 517.72
00787906	V17198	LAKESHORE LEARNING MATERIALS L	3/20/2025	General Supplies	$ 94.99
00787907	V08112	LEAD4WARD LLC	3/20/2025	Other Contracts	$ 4,500.00
00787908	V18252	LETS TALK ABOUT IT SPEECH THER	3/20/2025	Other Contracts	$ 7,680.00
00787909	V18073	LEWIS MARTIN	3/20/2025	Other Contracts	$ 150.00
00787910	V17533	LINDA ORENE SMITH	3/20/2025	Other Contracts	$ 500.00
00787911	V03970	LISLE VIOLIN SHOP	3/20/2025	Other Repairs	$ 4,741.88
00787912	V18395	LITTLE MARIA'S CAFE	3/20/2025	Misc Expense	$ 850.00
00787913	V18395	LITTLE MARIA'S CAFE	3/20/2025	Misc Expense	$ 635.00
00787914	V18395	LITTLE MARIA'S CAFE	3/20/2025	Misc Expense	$ 335.00
00787915	V04032	LOWE'S	3/20/2025	General Supplies	$ 965.25
00787916	V18588	MARIA FAI OLIVARES	3/20/2025	Other Contracts	$ 300.00
00787917	V04166	MARKS	3/20/2025	Building Supply	$ 676.00
00787918	V04209	MASTERWORD SERVICES INC	3/20/2025	Other Contracts	$ 9,804.08
00787919	V14853	MATH-A-MATICS TUTORING LLC	3/20/2025	Other Contracts	$ 7,400.00
00787920	V18580	MAX TA	3/20/2025	Other Contracts	$ 150.00
00787921	V01538	METEOR EDUCATION LLC	3/20/2025	Bulk Purchase Fu	$ 179,290.79
00787922	V17130	MONICA R MIRANDA	3/20/2025	Other Contracts	$ 15,300.00
00787923	V04512	MOUSER ELECTRONICS INC	3/20/2025	General Supplies	$ 206.89
00787924	V07862	NABIL PANJWANI	3/20/2025	Other Contracts	$ 300.00
00787925	113584	NAJERA, VIRGINIA	3/20/2025	General Supplies	$ 98.32

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00787926	V18535	NANCY HOUSEHOLDER	3/20/2025	Other Contracts	$ 175.00
00787927	V04633	NASCO	3/20/2025	General Supplies	$ 3,251.48
00787928	V04587	NASSP	3/20/2025	Dues	$ 84.00
00787929	V04639	NATIONAL ART SCHOOL SUPPLY	3/20/2025	Inventory	$ 1,684.98
00787930	V17161	NATIONAL BOARD FOR PROFESSIONA	3/20/2025	Fees	$ 950.00
00787931	V18439	NATIONAL RECRUITING CONSULTANT	3/20/2025	Other Contracts	$ 8,437.50
00787932	V04675	NATIONAL SPEECH AND DEBATE ASS	3/20/2025	Dues	$ 40.00
00787933	V18586	NHUNG HUYNH	3/20/2025	Other Contracts	$ 150.00
00787934	V17899	NINYO & MOORE GEOTECHNICAL &	3/20/2025	Bldg Fees	$ 511.25
00787935	V17163	NOTHING BUNDT CAKES OF ENERGY	3/20/2025	Misc Expense	$ 470.00
00787936	V16267	NOVA MEDICAL CENTERS	3/20/2025	Prof. Services	$ 9,318.10
00787937	V17819	NOVA THERAPY SERVICES PLLC	3/20/2025	Other Contracts	$ 9,100.00
00787938	VOID.CONTINU	Void - Continued Stub	3/20/2025		$ -
00787939	VOID.CONTINU	Void - Continued Stub	3/20/2025		$ -
00787940	VOID.CONTINU	Void - Continued Stub	3/20/2025		$ -
00787941	V17772	OAK FARMS - HOUSTON	3/20/2025	Food	$ 84,991.92
00787942	V17226	ODP BUSINESS SOLUTIONS LLC	3/20/2025	Computer Supplie	$ 3,140.20
00787943	V18573	OLUWADAMILARE JOHN-SOBOLA	3/20/2025	Other Contracts	$ 150.00
00787944	V18002	OLUWADARA ADEBANJO	3/20/2025	Other Contracts	$ 150.00
00787945	V18244	PAPA JOHNS PIZZA	3/20/2025	Misc Expense	$ 388.99
00787946	V18547	PATH2STAFF SOLUTIONS LLC	3/20/2025	Other Contracts	$ 7,406.50
00787947	V05117	PENWORTHY COMPANY	3/20/2025	Library Books	$ 370.59
00787948	V05121	PERDUE BRANDON FIELDER	3/20/2025	Employee Travel	$ 100.00
00787949	V16708	PHONOSCOPE INC	3/20/2025	Telephone	$ 5,952.48
00787950	V10422	POLLOCK INVESTMENTS INC	3/20/2025	Inventory	$ 3,020.40
00787951	V18120	PRESTON HUTSON	3/20/2025	Other Contracts	$ 300.00
00787952	V16880	PROFORMA ANGELINI MARTIN AND A	3/20/2025	Misc Expense	$ 6,124.20
00787953	V05385	PYRAMID EDUCATIONAL CONSULTANT	3/20/2025	Books	$ 9,256.50
00787954	V05386	PYRAMID SCHOOL PRODUCTS	3/20/2025	Inventory	$ 8,389.46
00787955	V18517	RACKMOUNT SOLUTIONS	3/20/2025	Computer Supplie	$ 1,150.00
00787956	V17874	RALLY INC	3/20/2025	Inventory	$ 1,635.00
00787957	V17742	RAPTOR TECHNOLOGIES LLC	3/20/2025	Inventory	$ 3,810.00
00787958	V18585	REBECA I SALAZAR	3/20/2025	Other Contracts	$ 150.00
00787959	V18579	REBEKAH RAECINE WYCHE	3/20/2025	Other Contracts	$ 150.00
00787960	V17435	REPUBLIC SERVICES INC	3/20/2025	Other Contracts	$ 533.25

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00787961	V15000	REXEL USA INC	3/20/2025	Building Supply	$ 1,507.73
00787962	V13576	RHONDA BELL	3/20/2025	Other Contracts	$ 300.00
00787963	V05622	RICOH USA INC	3/20/2025	Other Contracts	$ 24.00
00787964	V10450	RIDLEY'S VACUUM & JANITOR	3/20/2025	Inventory	$ 427.20
00787965	V18305	RINGCENTRAL INC.	3/20/2025	Telephone	$ 50.79
00787966	V16153	ROUND ROCK INDEPENDENT SCHOOL	3/20/2025	Dues	$ 150.00
00787967	V17078	RYAN HENNESSEY	3/20/2025	Other Contracts	$ 300.00
00787968	V14644	RYAN LANDRENEAU	3/20/2025	Other Contracts	$ 150.00
00787969	V14628	SALAS O'BRIEN LLC	3/20/2025	Bldg Improvement	$ 40,000.00
00787970	V17169	SAQIB SIDDIQUI	3/20/2025	Other Contracts	$ 300.00
00787971	V05931	SCHOOL NURSE SUPPLY INC	3/20/2025	General Supplies	$ 561.04
00787972	V16789	SCHOOL SPECIALTY LLC	3/20/2025	Inventory	$ 1,304.19
00787973	V17808	SEEDS OF CARE PEDIATRIC THERAP	3/20/2025	Other Contracts	$ 3,187.50
00787974	V11328	SEIDLITZ EDUCATION LLC	3/20/2025	Software	$ 5,000.00
00787975	V18483	SENERGY PETROLEUM LLC	3/20/2025	Vehicle Fuel	$ 7,318.36
00787976	V18532	SHCOMMIE SIMPORE	3/20/2025	Other Contracts	$ 150.00
00787977	V10222	SHERWIN WILLIAMS	3/20/2025	Building Supply	$ 254.41
00787978	V16925	SIDELINE INTERACTIVE LLC	3/20/2025	Furn & Equipment	$ 4,419.00
00787979	V17416	SOLIANT HEALTH LLC	3/20/2025	Other Contracts	$ 16,359.94
00787980	V18055	SONYA L SMITH	3/20/2025	Other Contracts	$ 150.00
00787981	V10409	SOUTHERN COMPUTER WAREHOUSE	3/20/2025	Computer Supplie	$ 9,022.07
00787982	V06228	SOUTHWESTERN PAINT & WALLPAPER	3/20/2025	Building Supply	$ 214.93
00787983	V18465	STEM FUSE LLC	3/20/2025	Software	$ 2,250.00
00787984	102803	STRONG, LYDIA E	3/20/2025	Other Supplies	$ 10.00
00787985	V17841	SUCCESSORIES	3/20/2025	General Supplies	$ 86.81
00787986	V18179	SW SCHOOL SUPPLY INC	3/20/2025	Inventory	$ 10,144.72
00787987	V06485	T MOBILE USA INC	3/20/2025	Telephone	$ 11,186.85
00787988	V06506	TASB RISK MANAGEMENT FUND	3/20/2025	Claims Liability	$ 13,305.53
00787989	V17618	TEX AIR FILTERS	3/20/2025	Building Supply	$ 380.53
00787990	V06528	TEXAS ASSOCIATION OF SCHOOL PE	3/20/2025	Employee Travel	$ 300.00
00787991	V18272	TEXAS SPEECH AND MORE	3/20/2025	Other Contracts	$ 14,101.50
00787992	V06847	TEXAS STATE UNIVERSITY	3/20/2025	Fees	$ 300.00
00787993	V06850	TEXAS SWIM SHOP	3/20/2025	General Supplies	$ 592.50
00787994	V17277	THERAPYTRAVELERS	3/20/2025	Other Contracts	$ 9,375.00
00787995	V17485	THINK BIG LEARNING INC	3/20/2025	Software	$ 900.00

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00787996	V06888	THOMAS BUS GULF COAST	3/20/2025	Other Supplies	$ 2,871.31
00787997	V18028	THOMAS GREGORY MAYO	3/20/2025	Other Contracts	$ 300.00
00787998	V17455	THUAN NGUYEN	3/20/2025	Other Contracts	$ 300.00
00787999	V18289	TOMMY TRINH	3/20/2025	Other Contracts	$ 150.00
00788000	V18587	TRINITY MONAE FOY	3/20/2025	Other Contracts	$ 225.00
00788001	V07080	UIL MUSIC REGION 23	3/20/2025	Fees	$ 870.00
00788002	V07080	UIL MUSIC REGION 23	3/20/2025	Fees	$ 8,000.00
00788003	V07080	UIL MUSIC REGION 23	3/20/2025	Fees	$ 7,000.00
00788004	V17149	UNIFIRST CORPORATION	3/20/2025	Other Contracts	$ 1,189.99
00788005	V07127	UNIPAK CORP	3/20/2025	Inventory	$ 2,576.00
00788006	V07140	UPS	3/20/2025	Misc Expense	$ 86.24
00788007	V18128	VENUE SEVEN LLC	3/20/2025	Rental-ST Leases	$ 450.00
00788008	V07447	WEST HARRIS COUNTY MUD #4	3/20/2025	Water	$ 1,002.31
00788009	V13891	WESTAT INC	3/20/2025	Employee Travel	$ 2,800.00
00788010	141282	WINSLOW, VANESSA MASUMI	3/20/2025	Student Travel	$ 50.00
00788011	V17542	WISH DESIGNS	3/20/2025	Misc Expense	$ 200.00
00788012	V07607	WORTHINGTON DIRECT HOLDINGS LL	3/20/2025	Furn & Equipment	$ 4,566.27
00788013	V11482	WRIGHT NATIONAL FLOOD INSURANC	3/20/2025	Property Ins.	$ 11,793.00
00788014	V16917	XEROX FINANCIAL SERVICES LLC	3/20/2025	Lsed Asst Princ	$ 47,400.37
00788015	V17879	XL PARTS LLC	3/20/2025	Other Supplies	$ 3,065.22
00788016	V15887	ZENDESK INC	3/20/2025	Software	$ 9,018.00
00788017	V17443	ZEP SALES & SERVICE	3/20/2025	Inventory	$ 8,040.00
01016450	V13559	AUTOZONE	3/20/2025	Other Supplies	$ 499.64
01016451	V00987	BROOKS DUPLICATOR COMPANY	3/20/2025	Computer Supplie	$ 7,354.35
01016452	V01026	BUCKEYE CLEANING CENTER-HOUSTO	3/20/2025	Inventory	$ 15,364.16
01016453	V01267	CHALKS TRUCK PARTS INC	3/20/2025	Other Supplies	$ 3,452.38
01016454	V01370	CITY SUPPLY CO INC	3/20/2025	Building Supply	$ 9,968.02
01016455	V10590	COMPLETE BOOK & MEDIA SUPPLY I	3/20/2025	Books	$ 80.96
01016456	V15013	COUGHLAN COMPANIES LLC	3/20/2025	Library Books	$ 2,099.47
01016457	V16030	ENCON SYSTEMS LTD INC	3/20/2025	Inventory	$ 3,223.14
01016458	V10111	FASTENAL COMPANY	3/20/2025	Building Supply	$ 142.50
01016459	V16159	FOSTER FENCE LTD	3/20/2025	Buildings	$ 2,113.00
01016460	V02506	GANDY INK	3/20/2025	General Supplies	$ 745.87
01016461	V02741	GUARDIAN REPAIR PARTS	3/20/2025	General Supplies	$ 14,051.84
01016462	V02995	HENRY SCHEIN / MBM	3/20/2025	Inventory	$ 215.28

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01016463	V03556	JOHNSTONE SUPPLY	3/20/2025	Building Supply	$ 492.72
01016464	V03567	JONES SCHOOL SUPPLY CO INC.	3/20/2025	Awards	$ 1,071.53
01016465	V03440	JW PEPPER & SON INC	3/20/2025	General Supplies	$ 288.58
01016466	V03618	KAMICO INSTRUCTIONAL MEDIA	3/20/2025	General Supplies	$ 2,075.60
01016467	V03852	LAWSON PRODUCTS	3/20/2025	Other Supplies	$ 368.07
01016468	V10402	LIBERTY OFFICE PRODUCTS	3/20/2025	Computer Supplie	$ 99.58
01016469	V03969	LIQUID ENVIRONMENTAL SOLUTIONS	3/20/2025	Other Contracts	$ 402.00
01016470	V07507	MACGILL & CO	3/20/2025	General Supplies	$ 135.76
01016471	V04218	MATHWARM-UPS.COM	3/20/2025	General Supplies	$ 18,045.00
01016472	V15252	MEDCO SUPPLY	3/20/2025	General Supplies	$ 1,235.40
01016473	V04939	O'REILLY AUTO PARTS	3/20/2025	Other Supplies	$ 957.63
01016474	V04942	ORIENTAL TRADING COMPANY INC	3/20/2025	General Supplies	$ 239.83
01016475	V05258	POSITIVE PROMOTIONS	3/20/2025	Misc Expense	$ 513.57
01016476	V12844	PS LIGHTWAVE LLC	3/20/2025	Telephone	$ 7,344.44
01016477	V05626	RIDDELL ALL AMERICAN	3/20/2025	General Supplies	$ 1,545.00
01016478	V05920	SCHOOL HEALTH CORPORATION	3/20/2025	Inventory	$ 1,554.54
01016479	V05930	SCHOOL MATE	3/20/2025	General Supplies	$ 1,700.00
01016480	V10758	SCHOOL OUTFITTERS	3/20/2025	General Supplies	$ 951.45
01016481	V10668	SEBCO BOOKS	3/20/2025	Library Books	$ 2,873.69
01016482	V06027	SHIFFLER EQUIPMENT SALES	3/20/2025	Building Supply	$ 7,437.89
01016483	V06208	SOUTHWASTE DISPOSAL LLC	3/20/2025	Other Contracts	$ 1,260.00
01016484	V13720	TEXAS ALTERNATOR STARTER SERVI	3/20/2025	Other Supplies	$ 1,199.00
01016485	V06569	TMS SOUTH	3/20/2025	Building Supply	$ 2,638.04
01016486	V07005	TRIANGLE PRINTING & MARKETING	3/20/2025	Buildings	$ 27,332.97
01016487	V07146	UNITED SITE SERVICES OF TEXAS	3/20/2025	Other Contracts	$ 1,092.11
00788018	V18430	A PRIVATE INVITATION CATERING	3/27/2025	Misc Expense	$ 950.00
00788019	V16098	A.L.I.E.F.	3/27/2025	Other Contracts	$ 4,200.00
00788020	V15805	ADAPTIVE TECH SOLUTIONS LLC	3/27/2025	Computer Supplie	$ 530.55
00788021	V17042	ADVANTAGE IMAGING SUPPLY INC	3/27/2025	Computer Supplie	$ 895.00
00788022	V16050	ADVANTAGE INTERESTS INC	3/27/2025	Buildings	$ 4,534.00
00788023	V00223	ADVANTAGE SECURITY INTEGRATION	3/27/2025	Software	$ 4,032.00
00788024	V00291	ALIEF AMERICAN FEDERATION OF	3/27/2025	Prof Dues - TFT	$ 15,362.00
00788025	V18030	ALIEF DJ'S	3/27/2025	Other Contracts	$ 350.00
00788026	V08044	ALIEF ISD COLLINS ELEMENTARY	3/27/2025	Coca-Cola Commission	$ 64.80
00788027	V00304	ALIEF ISD EDUCATION FOUNDATION	3/27/2025	Alief Education	$ 809.00

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00788028	V00306	ALIEF ISD ELSIK HIGH SCHOOL	3/27/2025	Coca-Cola Commission	$ 207.42
00788029	V00314	ALIEF ISD HASTINGS HIGH SCHOOL	3/27/2025	Coca-Cola Commission	$ 228.00
00788030	V00317	ALIEF ISD HOLUB MIDDLE	3/27/2025	Coca-Cola Commission	$ 36.23
00788031	V00318	ALIEF ISD HORN ELEMENTARY	3/27/2025	General Supplies	$ 833.00
00788032	V00328	ALIEF ISD MILLER INTERMEDIATE	3/27/2025	Coca-Cola Commission	$ 28.43
00788033	V00330	ALIEF ISD OLLE MIDDLE SCHOOL	3/27/2025	Coca-Cola Commission	$ 237.61
00788034	V00338	ALIEF ISD TAYLOR HIGH SCHOOL	3/27/2025	Coca-Cola Commission	$ 55.77
00788035	V00456	AMERICAN TIME & SIGNAL CO	3/27/2025	Tech Equipment	$ 7,214.82
00788036	V17370	ANDREA VIVAS	3/27/2025	Other Contracts	$ 900.00
00788037	V00482	ANGLETON ISD	3/27/2025	Fees	$ 350.00
00788038	V00483	ANIXTER INC.	3/27/2025	Computer Supplie	$ 276.00
00788039	V15610	ANNETTE RAMIREZ	3/27/2025	Fees	$ 32.00
00788040	V15610	ANNETTE RAMIREZ	3/27/2025	Fees	$ 42.25
00788041	V14854	ARCHIE CRAFT ENTERPRISES LLC	3/27/2025	Other Contracts	$ 825.00
00788042	V00533	ARNOLD OIL COMPANY OF HOUSTON	3/27/2025	Vehicle Fuel	$ 594.00
00788043	V00568	ASSOC OF TEXAS PROF EDUCATORS	3/27/2025	Prof Dues - ATPE	$ 2,840.35
00788044	V11370	ATLASSIAN PTY LTD	3/27/2025	Software	$ 2,150.00
00788045	V18498	AZTEC EVENTS & TENTS	3/27/2025	Rental-ST Leases	$ 6,026.21
00788046	V18496	BARON GLOBAL SUPPLIERS INC	3/27/2025	Other Contracts	$ 1,320.00
00788047	V00738	BEARCOM	3/27/2025	Equipment Repair	$ 1,067.93
00788048	V00798	BEST BUY	3/27/2025	Building Supply	$ 615.00
00788049	V01850	BLICK ART MATERIALS	3/27/2025	General Supplies	$ 2,863.79
00788050	V17043	BRAINBUZZED TUTORING INC	3/27/2025	Other Contracts	$ 1,000.00
00788051	V00988	BROOKS & SPARKS INC	3/27/2025	Buildings	$ 4,740.00
00788052	V15647	CAMPBELLS CREATIONS	3/27/2025	Misc Expense	$ 2,770.00
00788053	V01193	CAROLINA BIOLOGICAL SUPPLY CO	3/27/2025	General Supplies	$ 136.15
00788054	V01208	CARRIER ENTERPRISE LLC	3/27/2025	Building Supply	$ 3,211.50
00788055	147768	CASTILLO, FELICIA RODRIGUEZ	3/27/2025	Employee Travel	$ 2,479.95
00788056	120676	CASTILLO, SARA	3/27/2025	Employee Travel	$ 2,018.51
00788057	V16019	CATAPULT LEARNING WEST LLC	3/27/2025	Other Contracts	$ 25,279.63
00788058	V01104	CDW GOVERNMENT INC	3/27/2025	Computer Supplie	$ 11,774.57
00788059	154317	CHAMBERS, MARCELLA VAN	3/27/2025	Employee Travel	$ 3,759.72
00788060	V01305	CHELFORD ONE M U D	3/27/2025	Water	$ 3,372.77
00788061	V01320	CHICK FIL A	3/27/2025	Misc Expense	$ 389.40
00788062	V01320	CHICK FIL A	3/27/2025	Misc Expense	$ 698.64

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00788063	V01320	CHICK FIL A	3/27/2025	Misc Expense	$ 648.74
00788064	V01320	CHICK FIL A	3/27/2025	Misc Expense	$ 499.00
00788065	V01320	CHICK FIL A	3/27/2025	Misc Expense	$ 339.90
00788066	V01331	CHILDREN'S MUSEUM OF HOUSTON	3/27/2025	Other Contracts	$ 2,850.00
00788067	V18427	CHRISTIAN DE LA CRUZ	3/27/2025	Other Contracts	$ 150.00
00788068	V18084	CHRISTOPHER RAPACKI	3/27/2025	Other Contracts	$ 600.00
00788069	V15952	CIGNA HEALTH AND LIFE INSURANC	3/27/2025	DHMO Pretax	$ 200,971.72
00788070	V01369	CITY OF HOUSTON	3/27/2025	Water	$ 30,220.93
00788071	V01364	CITY OF HOUSTON	3/27/2025	Fees	$ 629.06
00788072	V16510	CLASSIC CHEVROLET WEST HOUSTON	3/27/2025	Vehicles	$ 816.90
00788073	V01389	CLAYTON PARK POA	3/27/2025	Fees	$ 5,161.76
00788074	V01396	CLEAR GLASS MOBILE SERVICE INC	3/27/2025	Vehicles	$ 245.63
00788075	V17013	COACH MERCER LLC	3/27/2025	Other Contracts	$ 6,500.00
00788076	V14864	COASTAL WELDING SUPPLY INC	3/27/2025	Other Contracts	$ 65.85
00788077	V01420	COCA COLA SOUTHWEST BEVERAGES	3/27/2025	Misc Expense	$ 485.25
00788078	V16611	COMMON MARKET TEXAS INC	3/27/2025	General Supplies	$ 600.00
00788079	V12312	CRAWFORD ELECTRIC SUPPLY COMPA	3/27/2025	General Supplies	$ 5,733.94
00788080	V16437	DANA SAFETY SUPPLY INC	3/27/2025	Furn & Equip	$ 179,933.10
00788081	V18403	DAVID ANTHONY TERRY	3/27/2025	Other Contracts	$ 500.00
00788082	V05079	DAVID G PEAKE TRUSTEE	3/27/2025	Bankruptcy	$ 5,960.88
00788083	V01809	DEMCO	3/27/2025	General Supplies	$ 779.16
00788084	V01818	DEPT OF INFORMATION RESOURCES	3/27/2025	Telephone	$ 229.42
00788085	V01877	DIRECT ENERGY	3/27/2025	Electricity	$ 485,901.74
00788086	V17586	DONNA E WHEELER	3/27/2025	Other Contracts	$ 300.00
00788087	V01931	DOWNTOWN AQUARIUM	3/27/2025	Student Travel	$ 1,065.00
00788088	V17860	E3 ALLIANCE	3/27/2025	Other Contracts	$ 11,000.00
00788089	V01977	EAI - ERIC ARMIN INC.	3/27/2025	General Supplies	$ 1,755.89
00788090	V18259	EMPIRE SPEECH SERVICES LLC	3/27/2025	Other Contracts	$ 2,812.50
00788091	V13807	EVENTS BY ABA LLC	3/27/2025	Other Contracts	$ 3,960.00
00788092	V18527	EWALD KUBOTA	3/27/2025	Furn & Equip	$ 8,618.02
00788093	V18200	FASTSIGNS	3/27/2025	Bldg Improvement	$ 83,715.23
00788094	V02307	FIRST COMMUNITY CREDIT UNION	3/27/2025	First Community	$ 82,872.22
00788095	V17721	FLEETPRIDE INC	3/27/2025	Other Supplies	$ 188.00
00788096	V17110	FOLLETT CONTENT SOLUTIONS LLC	3/27/2025	Library Books	$ 1,119.71
00788097	V10331	FORT BEND MUSIC CENTER	3/27/2025	Other Repairs	$ 923.00

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00788098	V16234	GABRIELA LUNA	3/27/2025	Other Contracts	$ 200.00
00788099	V11395	GATEWAY PRINTING AND OFFICE SU	3/27/2025	Inventory	$ 4,222.08
00788100	V13818	GOOLSBEE TIRE SERVICE INC	3/27/2025	Other Supplies	$ 5,204.00
00788101	V02641	GOPHER SPORT	3/27/2025	General Supplies	$ 126.54
00788102	V02656	GRAINGER	3/27/2025	Other Supplies	$ 704.05
00788103	V16134	H2I GROUP	3/27/2025	Buildings	$ 6,048.00
00788104	V17598	HARDIES FRESH FOODS	3/27/2025	Food	$ 8,299.89
00788105	V18144	HAROLD J HAYNES	3/27/2025	Other Contracts	$ 960.00
00788106	V02910	HARRIS COUNTY MUD #120	3/27/2025	Water	$ 3,175.24
00788107	V02913	HARRIS COUNTY TOLL ROAD AUTHOR	3/27/2025	Employee Travel	$ 37.80
00788108	V14300	HEADS UP HOUSTON	3/27/2025	Other Contracts	$ 2,000.00
00788109	V02985	HELFMAN FORD INC	3/27/2025	Vehicles	$ 624.98
00788110	V18227	HELLAS CONSTRUCTION INC	3/27/2025	Land Imprve Depr	$ 28,975.00
00788111	V12937	HI-LINE INC	3/27/2025	Other Supplies	$ 685.50
00788112	V18417	HOLT TRUCK CENTERS OF TEXAS LL	3/27/2025	Other Supplies	$ 109.08
00788113	V03177	HOU TEX GLASS & MIRROR	3/27/2025	Buildings	$ 1,085.70
00788114	V16207	HOUSTON AREA ALLIANCE OF BLACK	3/27/2025	Dues	$ 57.50
00788115	V03137	HOUSTON CHRONICLE	3/27/2025	Statutorily Reqd	$ 229.98
00788116	V03147	HOUSTON COMMUNITY COLLEGE	3/27/2025	Rental-ST Leases	$ 20,235.50
00788117	V17437	HOUSTON HEALTHY HIP-HOP	3/27/2025	Other Contracts	$ 800.00
00788118	V16657	I ADORE CHEER LLC	3/27/2025	Other Contracts	$ 7,050.00
00788119	V17988	IMPERIAL DADE	3/27/2025	Inventory	$ 92.60
00788120	V03318	INDECO	3/27/2025	General Supplies	$ 1,512.87
00788121	V11714	INDUSTRIAL COMMUNICATIONS	3/27/2025	Computer Supplie	$ 400.47
00788122	V03366	INTERBORO PACKAGING CORP	3/27/2025	Inventory	$ 3,508.40
00788123	143991	JAIME, JOSE HECTOR	3/27/2025	Food	$ 714.41
00788124	V03484	JASON'S DELI	3/27/2025	Misc Expense	$ 1,627.06
00788125	V12861	JJ'S I'M ME FOUNDATION	3/27/2025	Other Contracts	$ 2,750.00
00788126	V07655	JOE BRUCE YOUNG	3/27/2025	Other Contracts	$ 600.00
00788127	V03552	JOHNSON CONTROLS INC	3/27/2025	Building Supply	$ 4,627.64
00788128	V03554	JOHNSON SUPPLY & EQUIPMENT COR	3/27/2025	Building Supply	$ 124.58
00788129	V17452	JUMP BUNCH HOUSTON	3/27/2025	Other Contracts	$ 1,520.00
00788130	V18107	JUMP MONKEYS PARTY RENTAL	3/27/2025	Rental-ST Leases	$ 1,259.00
00788131	V18370	JUVON POLLARD	3/27/2025	Other Contracts	$ 2,000.00
00788132	V14518	JW TIMING GROUP LLC	3/27/2025	Co. Curricular	$ 3,500.00

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00788133	V17451	KOLOR MY KANVAS	3/27/2025	Other Contracts	$ 1,350.00
00788134	V15213	KOMMERCIAL KITCHENS	3/27/2025	Bldg Improvement	$ 397,945.00
00788135	VOID.CONTINU	Void - Continued Stub	3/27/2025		$ -
00788136	V03766	LABATT FOOD SERVICE	3/27/2025	Food	$ 192,047.49
00788137	V17233	LAKE COUNTRY CHEVROLET INC	3/27/2025	Vehicles	$ 59,714.00
00788138	V17198	LAKESHORE LEARNING MATERIALS L	3/27/2025	General Supplies	$ 4,247.37
00788139	V17353	LANCE JERMAINE FINLEY	3/27/2025	Other Contracts	$ 600.00
00788140	V03830	LASAGNA HOUSE III	3/27/2025	Misc Expense	$ 256.99
00788141	V16548	LED OEM PARTNERS LLC	3/27/2025	Retainage	$ 37,173.67
00788142	V18274	LEGACY COLLISION LLC	3/27/2025	Vehicles	$ 4,780.27
00788143	V03902	LEGO EDUCATION	3/27/2025	Computer Supplie	$ 11,168.05
00788144	V17426	LINCOLN NATIONAL LIFE INSURANC	3/27/2025	coln Fin PostTax	$ 46,015.10
00788145	V16739	LINDENMEYR MUNROE	3/27/2025	Inventory	$ 5,097.00
00788146	V17519	LISA'S ROLLING VIDEO GAMES	3/27/2025	Other Contracts	$ 700.00
00788147	V03970	LISLE VIOLIN SHOP	3/27/2025	Other Repairs	$ 975.00
00788148	V18395	LITTLE MARIA'S CAFE	3/27/2025	Misc Expense	$ 695.00
00788149	V18395	LITTLE MARIA'S CAFE	3/27/2025	Misc Expense	$ 275.00
00788150	V18395	LITTLE MARIA'S CAFE	3/27/2025	Misc Expense	$ 179.00
00788151	V04032	LOWE'S	3/27/2025	General Supplies	$ 751.83
00788152	V17915	LOWMAN EDUCATION LLC	3/27/2025	Software	$ 5,500.00
00788153	V17494	LTY ENGINEERS	3/27/2025	Bldg Fees	$ 23,250.00
00788154	V04066	M & J PRODUCTIONS	3/27/2025	Other Contracts	$ 350.00
00788155	V15468	M SCOTT CONSTRUCTION INC	3/27/2025	Bldg Improvement	$ 97,728.99
00788156	V18193	MAD SCIENCE OF HOUSTON	3/27/2025	Other Contracts	$ 2,040.00
00788157	V15650	MALLORY MILLER	3/27/2025	Other Contracts	$ 7,250.00
00788158	V04209	MASTERWORD SERVICES INC	3/27/2025	Other Contracts	$ 342.94
00788159	V14853	MATH-A-MATICS TUTORING LLC	3/27/2025	Other Contracts	$ 4,800.00
00788160	118137	MATTURRO, FABIANA	3/27/2025	Misc Expense	$ 660.00
00788161	V17246	MEMORIAL HERMANN MEDICAL GROUP	3/27/2025	Prof. Services	$ 104,783.15
00788162	V18077	MEREDITH A HERNANDEZ	3/27/2025	Other Contracts	$ 300.00
00788163	V04424	MISSION BEND M U D #2	3/27/2025	Water	$ 4,595.06
00788164	V17725	MOONLYTE COOKING	3/27/2025	Other Contracts	$ 1,600.00
00788165	V11709	MR BRICK OF HOUSTON LP	3/27/2025	Buildings	$ 2,950.00
00788166	V04550	MUSIC & ARTS CENTERS	3/27/2025	General Supplies	$ 530.00
00788167	V04587	NASSP	3/27/2025	Dues	$ 84.00

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00788168	V04644	NATIONAL ASSOC OF SCHOOL NURSE	3/27/2025	Dues	$ 159.50
00788169	V18283	NICHOLAS LIKOS	3/27/2025	Other Contracts	$ 150.00
00788170	VOID.CONTINU	Void - Continued Stub	3/27/2025		$ -
00788171	VOID.CONTINU	Void - Continued Stub	3/27/2025		$ -
00788172	V17772	OAK FARMS - HOUSTON	3/27/2025	Food	$ 73,805.57
00788173	V17226	ODP BUSINESS SOLUTIONS LLC	3/27/2025	General Supplies	$ 9,327.48
00788174	V16790	OLD HICKORY INN	3/27/2025	Misc Expense	$ 95.00
00788175	V16981	OVERTIME ATHLETICS	3/27/2025	Other Contracts	$ 3,665.00
00788176	V18244	PAPA JOHNS PIZZA	3/27/2025	Misc Expense	$ 256.00
00788177	V05033	PARENT INSTITUTE	3/27/2025	Books	$ 3,718.80
00788178	V18082	PLAYSCRIPTS	3/27/2025	Royalties	$ 308.59
00788179	V10422	POLLOCK INVESTMENTS INC	3/27/2025	Inventory	$ 15,008.00
00788180	V17731	POT O GOLD RENTALS LLC	3/27/2025	Rental-ST Leases	$ 121.10
00788181	V05277	PRAIRIE VIEW A&M UNIVERSITY	3/27/2025	Fees	$ 125.00
00788182	V13568	PRECISION CAMERA AND VIDEO	3/27/2025	General Supplies	$ 697.99
00788183	V05328	PRINTING COMMUNICATIONS INC	3/27/2025	Inventory	$ 3,211.20
00788184	V16880	PROFORMA ANGELINI MARTIN AND A	3/27/2025	Awards	$ 3,455.00
00788185	V07090	PROGRESS LEARNING LLC	3/27/2025	Software	$ 51,375.00
00788186	V05369	PROTECTOR'S INSURANCE AND	3/27/2025	Property Ins.	$ 8,641.87
00788187	V05386	PYRAMID SCHOOL PRODUCTS	3/27/2025	Inventory	$ 6,715.20
00788188	V05388	QEP INC	3/27/2025	Books	$ 99.00
00788189	V08212	QUADIENT INC	3/27/2025	Lsed Asst Princ	$ 3,585.25
00788190	V18517	RACKMOUNT SOLUTIONS	3/27/2025	Computer Supplie	$ 602.00
00788191	V17756	RADIO ID EQUIPMENT INC	3/27/2025	Computer Supplie	$ 3,530.00
00788192	V17314	RAISING CANES #24	3/27/2025	Misc Expense	$ 356.19
00788193	V17441	READYREFRESH	3/27/2025	Inventory	$ 4,360.20
00788194	V05509	REFRIGERATION GASKETS OF TEXAS	3/27/2025	Building Supply	$ 561.04
00788195	V05519	REGION IV ESC	3/27/2025	Other Services	$ 3,775.00
00788196	V17435	REPUBLIC SERVICES INC	3/27/2025	Other Contracts	$ 1,466.50
00788197	V17775	REVIVAL MUSIC PROJECT LLC	3/27/2025	Other Contracts	$ 2,700.00
00788198	V15000	REXEL USA INC	3/27/2025	Building Supply	$ 83.42
00788199	V18052	RICHELIEU AMERICA LTD	3/27/2025	Other Supplies	$ 87.40
00788200	V10450	RIDLEY'S VACUUM & JANITOR	3/27/2025	Furn & Equipment	$ 561.25
00788201	V17338	ROLANDO JOSUE BENITEZ GRANADOS	3/27/2025	Other Contracts	$ 660.00
00788202	V14628	SALAS O'BRIEN LLC	3/27/2025	Bldg Fees	$ 6,200.00

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00788203	V05828	SAMS CLUB DIRECT	3/27/2025	General Supplies	$ 22,402.66
00788204	V18483	SENERGY PETROLEUM LLC	3/27/2025	Vehicle Fuel	$ 7,918.13
00788205	V10222	SHERWIN WILLIAMS	3/27/2025	Building Supply	$ 49.56
00788206	V06101	SKILLS USA TEXAS	3/27/2025	Employee Travel	$ 400.00
00788207	V13868	SKY HIGH PARTY RENTALS LLC	3/27/2025	Rental-ST Leases	$ 761.25
00788208	V10409	SOUTHERN COMPUTER WAREHOUSE	3/27/2025	Computer Supplie	$ 3,600.00
00788209	V15347	SPALDING NICHOLS LAMP LANGLOIS	3/27/2025	Legal Services	$ 55,855.05
00788210	V17481	STANTEC CONSULTING SERVICES IN	3/27/2025	Bldg Fees	$ 54,000.00
00788211	V17011	STEALTH PARTNER GROUP LLC	3/27/2025	Other Insurance	$ 121,794.56
00788212	V12573	STEPPING STONES GROUP LLC	3/27/2025	Other Contracts	$ 9,350.00
00788213	V06377	STETSON & ASSOCIATES	3/27/2025	Consulting	$ 2,558.80
00788214	V18256	SUNSAFE FILM LLC	3/27/2025	Bldg Improvement	$ 272,125.42
00788215	V06474	SWEETIE PIES PETTING ZOO	3/27/2025	Other Contracts	$ 425.00
00788216	V06474	SWEETIE PIES PETTING ZOO	3/27/2025	Other Contracts	$ 625.00
00788217	V06474	SWEETIE PIES PETTING ZOO	3/27/2025	Rental-ST Leases	$ 425.00
00788218	V06476	SWEETWATER EDUCATION TECHNOLOG	3/27/2025	Computer Supplie	$ 299.00
00788219	V06490	TAEA - VASE	3/27/2025	Fees	$ 2,235.00
00788220	V18622	TAWANA KELLER	3/27/2025	Food Services	$ 25.00
00788221	V06745	TEXAS CLASSROOM TEACHERS ASSOC	3/27/2025	Prof Dues - TCTA	$ 64.31
00788222	V06760	TEXAS COUNSELING ASSOCIATION	3/27/2025	General Supplies	$ 200.00
00788223	V06783	TEXAS EDUCATION AGENCY	3/27/2025	Tuition Services	$ 6,090.00
00788224	V06819	TEXAS MUNICIPAL POLICE ASSOC	3/27/2025	Prof Dues - TMP	$ 28.00
00788225	V06846	TEXAS STATE TEACHERS ASSOCIATI	3/27/2025	Prof Dues - TSTA	$ 14,953.77
00788226	V18079	TEXAS TECHNOLOGY STUDENT ASSOC	3/27/2025	Fees	$ 900.00
00788227	V06888	THOMAS BUS GULF COAST	3/27/2025	Other Supplies	$ 3,272.38
00788228	V10626	THOMPSON & HORTON LLP	3/27/2025	Legal Services	$ 60.00
00788229	V02983	TIFFANY D CASTRO	3/27/2025	Bankruptcy	$ 4,415.53
00788230	V16436	TIMMIE W TAYLOR	3/27/2025	Other Contracts	$ 600.00
00788231	V18267	TOASTED YOLK CAFE	3/27/2025	Misc Expense	$ 411.00
00788232	V17044	TOPLINE PROPRINTING STUDIO INC	3/27/2025	General Supplies	$ 670.00
00788233	V13712	TOUR-RIFIC OF TEXAS INC	3/27/2025	Employee Travel	$ 12,266.00
00788234	V14889	TRANSITION THE BOOK LLC	3/27/2025	Other Contracts	$ 3,000.00
00788235	V07049	TURF EQUIPMENT & SUPPLIES INC	3/27/2025	Grounds	$ 846.79
00788236	V18548	U S DEPARTMENT OF THE TREASURY	3/27/2025	Wage Levy	$ 560.77
00788237	V07104	U S POSTAL SERVICE	3/27/2025	General Supplies	$ 20,000.00

ALIEF INDEPENDENT SCHOOL DISTRICT
CONSOLIDATED CHECK REGISTER
Report from 03/01/25 to 03/31/25

Check	Payee ID	Payee Name	Check Date	Description	Check Amount
00788238	VOID.CONTINU	Void - Continued Stub	3/27/2025		$ -
00788239	V17149	UNIFIRST CORPORATION	3/27/2025	Other Contracts	$ 2,613.14
00788240	V07142	UNITED REFRIGERATION INC	3/27/2025	Building Supply	$ 2,136.02
00788241	V07157	UNITED STATES TREASURY	3/27/2025	Wage Levy	$ 844.00
00788242	V07140	UPS	3/27/2025	Misc Expense	$ 18.00
00788243	V17783	VELOCITY BUSINESS PRODUCTS	3/27/2025	Bulk Purchase Fu	$ 235,412.51
00788244	V17583	VERIZON CONNECT FLEET USA LLC	3/27/2025	Other Contracts	$ 170.04
00788245	V18603	VIRTUAL EDUCATION STATION	3/27/2025	Employee Travel	$ 970.00
00788246	V17425	VISION SERVICE PLAN	3/27/2025	Eye Low Pretax	$ 43,497.52
00788247	V17868	WALKINGSPREE USA LTD	3/27/2025	Awards	$ 5,000.00
00788248	V07444	WEST BELT SURVEYING INC	3/27/2025	Bldg Fees	$ 20,700.00
00788249	V07444	WEST BELT SURVEYING INC	3/27/2025	Bldg Fees	$ 5,900.00
00788250	V07444	WEST BELT SURVEYING INC	3/27/2025	Bldg Fees	$ 10,600.00
00788251	V07444	WEST BELT SURVEYING INC	3/27/2025	Bldg Fees	$ 9,200.00
00788252	V07444	WEST BELT SURVEYING INC	3/27/2025	Bldg Fees	$ 10,900.00
00788253	V18453	WILLIAM JASON DOVE	3/27/2025	Other Contracts	$ 150.00
00788254	V16917	XEROX FINANCIAL SERVICES LLC	3/27/2025	Rental-ST Leases	$ 140.38
00788255	V17879	XL PARTS LLC	3/27/2025	Other Supplies	$ 393.56
00788256	V18487	YOU MAY SPEAK HEALTH SERVICES	3/27/2025	Other Contracts	$ 2,939.90
00788257	V15451	YOUTH EQUIPPED TO SUCCEED	3/27/2025	Other Contracts	$ 12,735.00
00788258	V18613	ZENIA FUENTES	3/27/2025	Food Services	$ 23.00
01016488	V13252	ACME ARCHITECTURAL HARDWARE	3/27/2025	Building Supply	$ 5,334.76
01016489	V14684	APPLIED INDUSTRIAL TECHNOLOGIE	3/27/2025	Building Supply	$ 9,927.01
01016490	V00532	ARMSTRONG REPAIR CENTER	3/27/2025	Building Supply	$ 1,188.50
01016491	V13559	AUTOZONE	3/27/2025	Other Supplies	$ 1,841.38
01016492	V01174	CAPP INC	3/27/2025	Building Supply	$ 4,863.55
01016493	V01263	CERTIFIED LABORATORIES	3/27/2025	Other Contracts	$ 438.38
01016494	V01267	CHALKS TRUCK PARTS INC	3/27/2025	Other Supplies	$ 435.42
01016495	V15514	DISA GLOBAL SOLUTIONS INC	3/27/2025	Other Contracts	$ 7.00
01016496	V16030	ENCON SYSTEMS LTD INC	3/27/2025	Inventory	$ 1,283.70
01016497	V02741	GUARDIAN REPAIR PARTS	3/27/2025	General Supplies	$ 4,130.95
01016498	V03556	JOHNSTONE SUPPLY	3/27/2025	Building Supply	$ 6,052.83
01016499	V03440	JW PEPPER & SON INC	3/27/2025	General Supplies	$ 458.26
01016500	V10402	LIBERTY OFFICE PRODUCTS	3/27/2025	Inventory	$ 227.36
01016501	V03946	LIBRARY STORE INC	3/27/2025	General Supplies	$ 179.95

ALIEF INDEPENDENT SCHOOL DISTRICT
CONSOLIDATED CHECK REGISTER
Report from 03/01/25 to 03/31/25

Check	Payee ID	Payee Name	Check Date	Description	Check Amount
01016502	V07507	MACGILL & CO	3/27/2025	General Supplies	$ 386.56
01016503	V04101	MACKIN EDUCATIONAL RESOURCES	3/27/2025	Books	$ 1,351.45
01016504	V04218	MATHWARM-UPS.COM	3/27/2025	General Supplies	$ 2,875.00
01016505	V15252	MEDCO SUPPLY	3/27/2025	Inventory	$ 173.28
01016506	V04082	MSC INDUSTRIAL SUPPLY	3/27/2025	Inventory	$ 2,179.24
01016507	V04939	O'REILLY AUTO PARTS	3/27/2025	Other Supplies	$ 3,424.99
01016508	V04942	ORIENTAL TRADING COMPANY INC	3/27/2025	Misc Expense	$ 932.42
01016509	V15210	PARTS TOWN LLC	3/27/2025	Building Supply	$ 955.36
01016510	V05142	PERMA-BOUND BOOKS	3/27/2025	Library Books	$ 4,165.23
01016511	V05258	POSITIVE PROMOTIONS	3/27/2025	Employee Travel	$ 549.13
01016512	V06199	SOUTHERN TIRE MART	3/27/2025	Other Supplies	$ 15,995.20
01016513	V06208	SOUTHWASTE DISPOSAL LLC	3/27/2025	Other Contracts	$ 3,696.00
01016514	V14830	TECHLAND HOUSTON	3/27/2025	Bulk Purchase Fu	$ 34,965.00
01016515	V13720	TEXAS ALTERNATOR STARTER SERVI	3/27/2025	Other Supplies	$ 625.00
01016516	V06569	TMS SOUTH	3/27/2025	Bldg Improvement	$ 870.46
01016517	V07005	TRIANGLE PRINTING & MARKETING	3/27/2025	Buildings	$ 68.76
01016518	V07146	UNITED SITE SERVICES OF TEXAS	3/27/2025	Other Contracts	$ 166.50
01016519	V07605	WORLD WIDE IMAGING SUPPLIES	3/27/2025	Computer Supplie	$ 5,165.90
					$ 9,103,356.43

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of TEKS Certification for the 2025-2026 School Year

School districts and open-enrollment charter schools are required to annually certify to the State Board of Education and the Commissioner that for each subject in the required curriculum, students have access to instructional materials covering all of the Texas Essential Knowledge and Skills (TEKS). Districts are required to certify that Technology and Instructional Material Allotment {TIMA) requests will only be utilized for expenses allowed by TEC §31.0211, 82nd Texas Legislature. Districts or open-enrollment charter schools may only submit TIMA requisitions after providing the Texas Education Agency (TEA) the required certification form certified by the Board of Trustees as mandated by Texas Administrative Code §66.105.

The attachments included herein outline the curricula that we use to deliver Tier 1 instruction in the required subjects. Subsequent to board approval, the data presented here will be electronically submitted to TEA by the Superintendent or his designee. Upon receipt, TEA shall provide access to TIMA funding once more.

RECOMMENDATION: It is recommended that the Board of Trustees of the Alief Independent School District ratify this certification of curriculum, providing for further acquisitions of Instructional Material through TIMA requisition and disbursement requests in order to provide essential knowledge and skills outlined by TEA.

Dr. Anthony T. Mays
Superintendent

Kathleen Jahn
Deputy Superintendent for Instruction

Certification of Provision of Instructional Materials Survey 2025–26

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Survey Pre-Work

2025–26 Certification of Provision of Instructional Materials

In accordance with Texas Education Code 31.1011, local educational agencies (LEAs) are required to certify annually to the State Board of Education (SBOE) and the commissioner that students have access to instructional materials covering all Texas Essential Knowledge and Skills (TEKS) for all required subjects, except physical education.

Additionally, LEAs are required to certify that they protect against access to obscene or harmful content in compliance with the requirements for certification under (i) the Children's Internet Protection Act (Pub. L. No. 106-554); (ii) Section 28.0022; (iii) Section 43.22, Penal Code; and (iv) any other law or regulation that protects students from obscene or harmful content. The TEKS Certification 2025–26 Survey includes a section to allow LEAs to certify they meet this requirement.

Like last year's process, the agency will utilize the following tools:

Certification 2025–26 Form:

Printable, hard copy of the survey to be completed offline and presented to the board of trustees or governing body for ratification and signatures.

Certification 2025–26 Survey:

Web-based application where LEAs will submit their responses collected on the TEKS Certification 2025–26 Form, and where LEAs will upload the signature page of the Form.

This year's Certification Process requires:

- The completion of the Certification 2025–26 Form;
- Ratification by the LEA's board of trustees or governing body in an open, public-noticed meeting; and
- Submission of the Certification 2025–26 Survey and upload of the ratified Certification 2025–26 Form.

TEA recommends that LEAs complete these steps by **May 1, 2025**. The Certification 2025–26 Form can be accessed at the following link on the Certification of Provision of Instructional Materials webpage.

The state online instructional materials ordering system, EMAT, will close for annual maintenance on March 28, 2025, and is scheduled to reopen on May 15, 2025. **Completion of the Certification Process is required to regain access to allotment funds when EMAT reopens in May of 2025.**

Certification 2025–26 Survey submissions received after May 15, 2025, will typically be processed within five business days, then access to EMAT provided.

Instructions to Complete the Certification Process for 2025–26

1. **Review the Certification 2025–26 Form**: Print the fillable TEKS Certification 2025–26 Form found on the Certification of Provision of Instructional Materials webpage.
2. **Gather information:** The form may require consultation with content area leads or other LEA staff.
3. **Complete Certification 2025–26 Form**: Complete the TEKS Certification 2025–26 Form by hand or digitally.
4. **Obtain needed signatures**: Ratify the **Certification 2025–26 Form** by the LEA's board of trustees or governing body in an upcoming, open board meeting.
5. **Submit Certification 2025–26 Survey**: Complete the online Certification 2025–26 Survey by answering the questions. Inside the survey you will upload the signed Allotment and Certification 2025–26 Form from Step 4. The survey will be open for submissions beginning Monday, March 17, 2025, and will be located on the Certification of Provision of Instructional Materials webpage.

Additional Supports

- TEA will be hosting a webinar to review the Certification 2025–26 Process on *Monday, March 24th, at 2:00 p.m. CDT*. Registration is required.
- TEA will host office hours to support LEAs with the Certification of Provision of Instructional Materials process; registration is required.
    - Monday, March 31st at 11:00 a.m. CDT | Register on Zoom
    - Thursday, April 3rd, at 11:00 a.m. CDT. | Register on Zoom
- To facilitate completion of this year's submission, LEAs may request a copy of their previous year's submission by submitting a Help Desk Ticket.
- For questions about the Certification 2025–26 Form, Survey, or Process, please submit a Help Desk Ticket.

Review Terminology

Additional Supports

- **Scope and Sequence**: A document that provides a brief outline of the standards and a recommended teaching order for a particular course/grade-level over the course of a school year.
- **Full-subject materials** (often referred to as Tier 1 or core materials): instructional material designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.
- **Supplemental materials** (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional material designed to assist in the instruction of one or more of the essential knowledge and skills
- **SBOE-Approved Instructional Materials**: SBOE-approved instructional materials are any materials that go through the IMRA process and receive approval by the SBOE. In Texas, SBOE-approved instructional materials are considered HQIM and qualify for the SBOE-Approved Instructional Materials Entitlement as outlined in Section 48.307.
- **State-Adopted Instructional Materials**: state-adopted instructional materials were reviewed and adopted in the preceding Proclamation process. These materials have not been reviewed in the IMRA process, are not considered HQIM (per the Texas definition), and are not eligible for additional HB 1605 funding entitlements.

About the Qualtrics Survey

Within the Qualtrics survey you will be given a list of commonly known publishers and products. Should your LEA use a LEA-developed product, or the product is not listed, you will be asked to write in the name of the publisher and product.

You can find a list instructional materials on the Certification of Provision of Instructional Materials webpage.

Certification 2025–26 Survey

Background Information

QUESTION 1.0: Name of person completing this form

Dr. Joseph A. Villalba Jr.

QUESTION 1.1: Your email address

joseph.villalba@aliefisd.net

QUESTION 1.2: Select the role that best describes your position at your district or charter: [Single Select]

- ☒ Instructional Materials Coordinator
- ☐ Curriculum Director
- ☐ Principal
- ☐ Administrative Assistant
- ☐ Superintendent
- ☐ Other

LEA Information

QUESTION 2.0: Region #

4

QUESTION 2.1: LEA name and number

Alief Independent School District 101903

QUESTION 2.2: Superintendent's name

Dr. Anthony T. Mays

QUESTION 2.3: Superintendent's email address

anthony.mays@aliefisd.net

QUESTION 2.4: School board president's or governing body's name

Dr. Darlene Breaux

QUESTION 2.5: School board president's or governing body's email address

darlene.breaux@aliefisd.net

QUESTION 2.6: Date of the school board meeting at which the Certification Form was be presented and approved?

April 15, 2025

Reading Language Arts Certification

Scope and Sequence - All Grade Levels RLA

QUESTION 3.0:

Are instructional materials for English RLA and phonics managed at the LEA level and generally consistent across classrooms?

☒Yes
☐No

English Reading Language Arts K–5 TEKS Coverage Certification

QUESTION 4.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **English RLA TEKS grades K–5?** (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials). [Single Select]

☒Yes
☐No

English Reading Language Arts K–5 Instructional Materials

QUESTION 5.0:

Share the **full-subject and/or supplemental** publisher(s)/ product(s) that teachers in your district will use regularly (once a week or more, on average) for **English RLA and/ or Phonics grades K–5** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

English RLA and/ or Phonics grades K–5 full-subject and/or supplemental publisher(s)/ product(s) used:

HMH Into Reading

Supplemental Materials: iReady, Amplify

QUESTION 5.1:
(If above answer includes SBOE-Approved Bluebonnet Learning instructional materials):

What is the estimated number of students in your LEA that are using *Bluebonnet Learning Reading Language Arts, Edition 1* (grades K–5) in their classroom on a regular basis?

N/A

QUESTION 5.2:
(If above answer includes SBOE-Approved Bluebonnet Learning instructional materials):

What is the estimated number of students in your LEA that are using *Bluebonnet Learning Foundational Skills, Edition 1* (grades K–3) in their classroom on a regular basis?

N/A

Spanish Reading Language Arts K–5 TEKS Coverage Certification

QUESTION 6.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **Spanish RLA TEKS grades K–5**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials) [Single select]

☒Yes
☐No

Spanish Reading Language Arts K–5 Instructional Materials

QUESTION 7.0:

Share the **full subject and/or supplemental** publisher(s)/product(s) that teachers in your district will use regularly (once a week or more, on average) for **Spanish RLA and/or Phonics grades K–5** instruction to ensure coverage of 100% of the TEKS. [Single select for each grade band]

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): Instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Spanish RLA and/or Phonics grades K–5 full-subject and/or supplemental publisher(s)/ product(s) used:

HMH Arriba la lectura

Supplemental Materials: iReady, Amplify (lectura)

QUESTION 7.1:
(If above answer includes *Aprendizaje Bluebonnet* pilot instructional materials instructional materials):

What is the estimated number of students in your LEA that are using *Aprendizaje Bluebonnet artes del lenguaje y lectura, piloto* (grados K–5) in their classroom on a regular basis?

N/A

QUESTION 7.2:

What is the estimated number of students in your LEA that are using *Aprendizaje Bluebonnet destrezas fundamentales, piloto* (grados K–2) in their classroom on a regular basis?

N/A

English Reading Language Arts (RLA) 6–8 TEKS Coverage Certification

QUESTION 8.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **English RLA TEKS grades 6–8**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials) [Single select]

☒Yes
☐No

English Reading Language Arts (RLA) 6–8 Instructional Materials

QUESTION 9.0:

Share the **full subject and/or supplemental** publisher(s)/product(s) that teachers in your LEA will use regularly (once a week or more, on average) for **English RLA grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

English RLA grades 6–8 full-subject and/or supplemental publisher(s)/ product(s) used:

HMH Into Literature (grades 6-8)

Grade 6: Into Reading (one campus only)

Supplemental Materials: iReady

English Reading Language Arts (RLA) 9–12 TEKS Coverage Certification

QUESTION 10.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **English RLA TEKS grades 9–12**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials.

☒Yes
☐No

English Reading Language Arts (RLA) 9–12 Instructional Materials

QUESTION 11.0:

Are the **full-subject and/or supplemental** publisher(s)/ product(s)that teachers in your LEA will use regularly (once a week or more, on average) for **English RLA grades 9–12** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

English RLA grades 9–12 full-subject and/or supplemental publisher(s)/ product(s) used:

McGraw Hill Study Sync

Supplemental Materials: BFW/AP materials

Mathematics Certification

Scope and Sequence - All Grade Levels Mathematics

QUESTION 12.0:

Are instructional materials for mathematics managed at the LEA level and generally consistent across classrooms? ?

☒Yes
☐No

Mathematics K–5 TEKS Coverage Certification

QUESTION 13.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **mathematics TEKS grades K–5**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials). [Single Select]

☒Yes
☐No

Mathematics K–5 Instructional Materials

QUESTION 14.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your LEA will use regularly (once a week or more, on average) for **mathematics grades K–5** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Mathematics grades K–5 full-subject and/or supplemental publisher(s)/ product(s) used:

District Created Materials

HMH Math in Focus

Supplemental Materials: iReady

QUESTION 14.1:
(If above answers include *Bluebonnet Learning* instructional materials instructional materials):

What is the estimated number of students in your LEA that are using Bluebonnet Learning, Edition 1 (grades K–5) in their classroom on a regular basis?

N/A

Mathematics 6–8 TEKS Coverage Certification

QUESTION 15.0

For school year 2025–26, will your LEA provide materials to cover 100% of the **mathematics TEKS grades 6–8**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials). [Single Select]

☒Yes
☐No

Mathematics 6–8 Instructional Materials

QUESTION 16.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your LEA or charter will regularly use (once a week or more, on average) for **mathematics grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Mathematics grades 6–8 full-subject and/or supplemental publisher(s)/ product(s) used:

HMH Go Math

Supplemental Materials: Curriculum Associates, iReady, ThinkUp

QUESTION 16.0B:
(If above answers include Bluebonnet Learning instructional materials instructional materials):

What is the estimated number of students in your LEA that are using Bluebonnet Learning Secondary Mathematics, Edition 1 (grades 6–8, Algebra I) in their classroom on a regular basis?

N/A

Mathematics 9–12 TEKS Coverage Certification

QUESTION 17.0:

For School Year 2025–26, will your LEA provide materials to cover 100% of the **mathematics TEKS grades 9–12**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials). [Single Select]

☒Yes
☐No

Mathematics 9–12 Instructional Materials

QUESTION 18.0:

Share the **full-subject and/or supplemental** publisher(s)/ product(s) that teachers in your LEA or charter will regularly use (once a week or more, on average) for **mathematics grades 9–12** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Mathematics grades 9–12 full-subject and/or supplemental publisher(s)/ product(s) used:

HMH Algebra I

McGraw Hill Texas Algebra II, Geometry, Pre-Calculus

Supplemental Materials: iXL Learning

Social Studies Certification

Scope and Sequence - All Grade Levels Social Studies

QUESTION 19.0:

Are instructional materials for social studies managed at the LEA level and generally consistent across classrooms?

☒Yes
☐No

Social Studies K–5 TEKS Coverage Certification

QUESTION 20.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **social studies TEKS grades K–5**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials)

☒Yes
☐No

Social Studies K–5 Instructional Materials

QUESTION 21.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your LEA or charter will regularly use (once a week or more, on average) for **social studies grades K–5** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Social Studies grades K–5 full-subject and/or supplemental publisher(s)/ product(s) used:

Savvas Texas My World Social Studies (English/Spanish)

Supplemental Materials: DBQ Project

Social Studies 6–8 TEKS Coverage Certification

QUESTION 22.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **social studies TEKS grades 6–8**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials)

☒Yes
☐No

Social Studies 6–8 Instructional Materials

QUESTION 23.0:

Select **full-subject and/or supplemental** publisher(s)/ product(s) that teachers in your LEA or charter will regularly use (once a week or more, on average) for **social studies grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Social Studies grades 6–8 full-subject and/or supplemental publisher(s)/ product(s) used:

Cengage Learning/National Geographic Learning World Cultures & Geography MyNGConnect

Supplemental Materials: DBQ Project, Progress Learning US History to 1877 (grades 6-8)

Social Studies 9–12 TEKS Coverage Certification

QUESTION 24.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **social studies TEKS grades 9–12**? (This includes teacher- or LEA-developed materials. You may select “yes” even if not all classrooms use the same materials)

☒Yes
☐No

Social Studies 9–12 Instructional Materials

QUESTION 25.0:

Share the **full-subject and/or supplemental** publisher(s)/ product(s) that teachers in your LEA or charter will regularly use (once a week or more, on average) for **social studies grades 9–12** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Social Studies grades 9–12 full-subject and/or supplemental publisher(s)/ product(s) used:

McGraw Hill US Government, US History, World Geography, World History

Supplemental Materials: Social Studies School Service/Active Classroom World Geography, DBQ Project, Progress Learning/US History

Science Certification

Scope and Sequence - All Grade Levels Science

QUESTION 26.0:

Are instructional materials for science managed at the LEA level and generally consistent across classrooms?

☒Yes
☐No

Science K–5 TEKS Coverage Certification

QUESTION 27.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **science TEKS grades K–5**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials)

☒Yes
☐No

Science K–5 Instructional Materials

QUESTION 28.0:

Share the **full-subject and/or supplemental** publisher(s)/ product(s) that teachers in your LEA or charter will regularly use (once a week or more, on average) for **science grades K–5** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Science grades K–5 full-subject and/or supplemental publisher(s)/ product(s) used:

McGraw Hill Texas Science

Supplemental Materials: Progress Learning (3rd-5th Grade Science)

Science 6–8 TEKS Coverage Certification

QUESTION 29.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **science TEKS grades 6–8**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials)

☒Yes
☐No

Science 6–8 Instructional Materials

QUESTION 30.0:

Share the **full-subject and/or supplemental** publisher(s)/product(s) that teachers in your LEA or charter will regularly use (once a week or more, on average) for **science grades 6–8** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Science grades 6–8 full-subject and/or supplemental publisher(s)/ product(s) used:

McGraw Hill Texas Science

Science 9–12 TEKS Coverage Certification

QUESTION 31.0:

For school year 2025–26, will your LEA provide materials to cover 100% of the **science TEKS grades 9–12**? (This includes teacher- or LEA-developed materials. You may select "yes" even if not all classrooms use the same materials)

☒Yes
☐No

Science 9–12 Instructional Materials

QUESTION 32.0:

Share the **full-subject and/or supplemental** publisher(s)/ product(s) that teachers in your district or charter will regularly use (once a week or more, on average) for **science grades 9–12** instruction to ensure coverage of 100% of the TEKS.

Full-subject instructional materials (often referred to as Tier 1 or core materials): Instructional materials designed to, if implemented as designed, provide a student with mastery of the essential knowledge and skills for a certain subject and grade level without the need for supplementation.

Supplemental Materials (may be used in Tier 1, Tier 2, or Tier 3 settings): instructional materials designed to assist in the instruction of one or more essential knowledge and skill.

Science grades 9–12 full-subject and/or supplemental publisher(s)/ product(s) used:

McGraw Hill Texas Science High School – Biology, Chemistry, Physics, IPC, Anatomy, Physiology, Aquatic Science, Environmental Systems

Cengage Forensic Science Fundamentals & Investigation, Foundations of Astronomy, Microbiology Practical Applications & Infection Prevention, Human Diseases

Children’s Internet Protection Act

The Children's Internet Protection Act

The Children’s internet protection Act (CIPA) was enacted by Congress in 2000 to address concerns about children's access to obscene or harmful content over the Internet. (You may find more information on the FCC website.)

In accordance with Texas Administrative Code 19 TAC §66.105, school districts or charter schools are required to certify that they protect against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 USC §254(h)(5)(B) and (C, Section 28.0022, Section 43.22, Penal Code, and any other law or regulation that protects students from obscene or harmful content.

QUESTION 33.0: Does your district or charter school protect against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 USC §254(h)(5)(B) and (C)., Section 28.0022, Penal Code, and any other law or regulation that protects students from obscene or harmful content?

☒Yes
☐No

Additional Informational Questions (Optional)*

QUESTION 35.0:

Has your LEA used, or do you plan to use, Instructional Materials Review and Approval (IMRA) Cycle 2024 reports to inform local decisions related to instructional materials adoption?

(Note: IMRA replaced the State Board of Education's Proclamation process and the Texas Resource Review (TRR)

☐Yes
☒No

QUESTION 35.1:

If "Yes" is selected: In which subject area(s) have you used the TRR to obtain information about the quality of products? *

☐English Reading Language Arts

☐Spanish Reading Language Arts

☐English Phonics

☐Spanish Phonics

☐ Mathematics

QUESTION 35.2:

On a scale from 0 to 10, how effectively do you believe the IMRA reports support LEA adoption of high-quality instructional materials? 0 (Not at all) to 10 (Extremely effectively)*

0. ☐
1. ☐
2. ☐
3. ☐
4. ☐
5. ☐
6. ☐
7. ☐
8. ☐
9. ☐
10. ☐

QUESTION 36.0:

Assessment Platform: Select the assessment platform (if any) your LEA leverages for unit/module, diagnostic, or interim, and for which type of assessments.

Product	Interim	Diagnostic	Unit/Module Formatives
Eduphoria	☐	☐	☐
DMCA	☐	☐	☐
Texas Formative Assessment Resource	☐	☐	☐
STAAR Interim	☒	☐	☐
Other: *School City*	☒	☐	☒
Other:	☐	☐	☐
Other:	☐	☐	☐

Certification 2025–26 Survey Ratification [Printed and uploaded PDF]

In accordance with Texas Education Code §31.1011, school districts and open-enrollment charter schools are required to certify annually to the State Board of Education and the commissioner that, for each subject in the required curriculum other than physical education, students have access to instructional materials that cover all the Texas Essential Knowledge and Skills (TEKS) for the coming school year. Additionally, in accordance with Texas Administrative Code 19 TAC §66.105, school districts or charter schools are required to certify that they protect against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 USC §254(h)(5)(B) and (C).

These certifications must be ratified by local school boards of trustees or governing bodies in public, noticed meetings. Districts and open-enrollment charter schools will be unable to order instructional materials through EMAT until the certifications have been received by the Texas Education Agency (TEA).

Other Certified Subject Areas

QUESTION 40.0:

Please select each subject in the required curriculum below for which your district provides each student with instructional materials that cover all elements of the essential knowledge and skills: [multiple select]

☒ Career & Technical Education
☒ Fine Arts
☒ Health
☒ Technology Applications
☒ English Language Proficiency Standards
☒ Languages Other Than English
☐ None

District County Number (6-digit ID):

101903

District Name:

Alief Independent School District

Date of Ratification by Local School Board of Trustees or Governing Body:

April 15, 2025

Signature of the Board President and Secretary or Governing Board Officer

_____ _____

Board President Date

_____

Board Secretary

After ratification, please scan the last page of this form and submit to TEA through the electronic Certification of Provision of Instructional Materials Survey.

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider and Approve Order Authorizing the Issuance of Alief Independent School District Unlimited Tax School Building Bonds, Series 2025; Setting Certain Parameters for the Bonds; Authorizing the Superintendent and/or Deputy Superintendent of Business Services to Approve the Amount, the Interest Rate, and Price, Including the Terms Thereof and Certain Other Procedures and Provisions Related Thereto

This agenda item is necessary to set parameters that authorize the administration to execute a bond sale for the issuance of new money bonds ($51,170,000). The new money sale will be the 4th installment of debt issued from the $522,270,000 authorized by the voters in 2021. The proceeds will be used to fund projects as outlined in the Long-Range Plan including school buses and various capital improvement projects throughout the district. This will be conducted as a competitive sale to occur in May with closing in June. The Board will be informed upon the execution of the sale and the rates achieved.

Recommendation: It is recommended that the Board of Trustees of the Alief Independent School District adopt the sale order based on the parameters specified.



Dr. Anthony Mays
Superintendent



Charles Woods
Deputy Superintendent/Business Services

CERTIFICATE FOR ORDER

STATE OF TEXAS §
COUNTY OF HARRIS §

We, the undersigned officers of the Board of Trustees (the "Board") of Alief Independent School District (the "District"), hereby certify as follows:

1. The Board convened in a regular meeting on April 15, 2025, at the regular meeting place thereof, within the District, and the roll was called of the duly constituted officers and members of the Board, to-wit:

Dr. Darlene Breaux	President
Jennifer Key	Vice President
Rick Moreno	Secretary
Dr. Lily Truong	Assistant Secretary
Dr. Gregg Patrick	Trustee
Janet Spurlock	Trustee
Ann Williams	Trustee

and all of such persons were present, except _____. Whereupon, among other business, the following was transacted at such meeting: a written

> ORDER AUTHORIZING THE ISSUANCE OF ALIEF INDEPENDENT SCHOOL DISTRICT UNLIMITED TAX SCHOOL BUILDING BONDS, SERIES 2025; SETTING CERTAIN PARAMETERS FOR THE BONDS; AUTHORIZING THE SUPERINTENDENT AND/OR DEPUTY SUPERINTENDENT OF BUSINESS SERVICES TO APPROVE THE AMOUNT, THE INTEREST RATE, PRICE, INCLUDING THE TERMS THEREOF AND CERTAIN OTHER PROCEDURES AND PROVISIONS RELATED THERETO

was duly introduced for the consideration of such Board and read in full. It was then duly moved and seconded that such order be adopted; and, after due discussion, such motion, carrying with it the adoption of such order, prevailed and carried by the following vote:

AYES: __ NOES: __ ABSTAIN: __

2. A true, full and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that such order has been duly recorded in the Board's minutes of such meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the Board's minutes of such meeting pertaining to the adoption of such order; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that the order would be introduced and considered for adoption at such meeting, and each of such officers and members consented, in advance, to the holding of such meeting for such purpose; that such meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of such meeting was given as required by Chapter 551, Texas Government Code, as amended.

SIGNED AND SEALED this 15th day of April, 2025.

_____
President, Board of Trustees

_____
Secretary, Board of Trustees

(SEAL)

ORDER AUTHORIZING THE ISSUANCE OF ALIEF INDEPENDENT SCHOOL DISTRICT UNLIMITED TAX SCHOOL BUILDING BONDS, SERIES 2025; SETTING CERTAIN PARAMETERS FOR THE BONDS; AUTHORIZING THE SUPERINTENDENT AND DEPUTY SUPERINTENDENT OF BUSINESS SERVICES TO APPROVE THE AMOUNT, THE INTEREST RATE, PRICE, INCLUDING THE TERMS THEREOF AND CERTAIN OTHER PROCEDURES AND PROVISIONS RELATED THERETO

THE STATE OF TEXAS §
COUNTY OF HARRIS §
ALIEF INDEPENDENT SCHOOL DISTRICT §

WHEREAS, Alief Independent School District (the "District") desires to issue bonds hereinafter authorized that were duly and favorably voted at an election held in the District on the 2nd day of November, 2021 (the "Election"); and

WHEREAS, the Board of Trustees of the District does hereby determine that bonds in an aggregate amount not to exceed (i) $43,570,000 (including any premium charged against voted authority), should be issued as the fourth installment of a total $482,585,000 bonds voted in Proposition A at the Election pursuant to Chapter 45, Texas Education Code, and (ii) $7,600,000 (including any premium charged against voted authority), should be issued as the first installment of a total $30,590,000 bonds voted in Proposition D at the Election pursuant to Chapter 45, Texas Education Code; and

WHEREAS, the District has a principal amount of at least $100,000,000 in a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued, and some amount of such long-term indebtedness is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation, and therefore, the District qualifies as an "Issuer" under Chapter 1371, Texas Government Code; and

WHEREAS, pursuant to Section 1371.053, Texas Government Code, the District desires to delegate the authority to the Superintendent and Deputy Superintendent of Business Services to effect the sale of the Bonds, from time to time and in one or more installments; Now, therefore

BE IT ORDERED BY THE BOARD OF TRUSTEES OF ALIEF INDEPENDENT SCHOOL DISTRICT:

1. Recitals; Finding. It is hereby found and determined that the matters and facts set out in the preamble to this Order are true and correct. The Board hereby finds and determines that the issuance of the Bonds for the purposes described herein is in the best interests of the District.

2. Definitions. Throughout this Order the following terms and expressions as used herein shall have the meanings set forth below:

"Blanket Letter of Representations" means the Blanket Issuer Letter of Representations between the District, the Registrar and DTC.

"Bonds" means the Alief Independent School District Unlimited Tax School Building Bonds, Series 2025 authorized in this Order, unless the context clearly indicates otherwise.

"Business Day" means any day which is not a Saturday, Sunday, or a day on which the Registrar is authorized by law or executive order to close.

"Code" means the Internal Revenue Code of 1986, as amended.

"Comptroller" means the Comptroller of Public Accounts of the State of Texas.

"Debt Service Fund" means each interest and sinking fund for payment of the Bonds established by the District in Section 19 of this Order.

"Deputy Superintendent of Business Services" means Charles Woods, or any successor in that office designated by the Board.

"District" means the Alief Independent School District.

"DTC" means The Depository Trust Company of New York, New York, or any successor securities depository.

"DTC Participant" means brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions.

"Initial Bond" means each Initial Bond authorized by Section 4(b) of this Order.

"Interest Payment Date", when used in connection with any Bond, means the dates set forth in the Officer's Pricing Certificate.

"MSRB" means the Municipal Securities Rulemaking Board.

"Officer's Pricing Certificate" means the certificate signed by the Superintendent and/or Deputy Superintendent of Business Services and containing the information regarding each issuance of the Bonds specified herein.

"Order" as used herein and in the Bonds means this order authorizing the Bonds.

"Owner" means any person who shall be the registered owner of any outstanding Bond.

"Record Date" means, for any Interest Payment Date, the close of business on the last Business Day of the month next preceding each Interest Payment Date.

"Register" means the books of registration kept by the Registrar, in which are maintained the names and addresses of, and the principal amounts of the Bonds registered to, each Owner.

"Registrar" means The Bank of New York Mellon Trust Company, N.A., and its successors in that capacity.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

"Superintendent" means Dr. Anthony Mays, or any successor in that office designated by the Board.

"Underwriter" means the individual underwriter or underwriting syndicate identified in the Officer's Pricing Certificate.

3. Authorization. The Bonds shall be issued in one or more series in fully registered form in a maximum principal amount, including any premium counted against voted authorization, not to exceed (i) $43,570,000 for the construction, acquisition, renovation and equipment of school buildings in the District, the purchase of necessary sites for school buildings, and the purchase of new school buses, (ii) $7,600,000 for the acquisition, installation, and update of technology equipment, and (iii) for paying the cost of issuing the bonds, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Chapter 45, Texas Education Code, and Chapter 1371, Texas Government Code.

4. Delegation of Authority. As authorized by Section 1371.053, Texas Government Code, the Superintendent and Deputy Superintendent of Business Services are each hereby authorized to act on behalf of the District through a date one year from the date of this Order, from time to time, in selling and delivering the Bonds, subject to the conditions and carrying out the other procedures as set forth below. Bonds sold pursuant to a bid form executed on or before the expiration date above may be delivered after such date, provided that such delivery date shall occur within ninety (90) days of the sale of the Bonds.

(a) Designation. The Bonds shall be designated as "ALIEF INDEPENDENT SCHOOL DISTRICT UNLIMITED TAX SCHOOL BUILDING BONDS, SERIES 2025".

(b) Each Initial Bond shall be numbered I-1 and all other Bonds shall be numbered in sequence beginning with R-1. Bonds delivered on transfer of or in exchange for other Bonds shall be numbered in order of their authentication by the Registrar, shall be in the denomination of $5,000 or integral multiples thereof, and shall mature on the same date and bear interest at the same rate as the Bond or Bonds in lieu of which they are delivered.

(c) Date, Denomination, Interest Rates, and Maturities. The Bonds shall be dated, mature on the dates in each of the years and in the amounts set out in the Officer's Pricing Certificate, shall be subject to prior optional and mandatory redemption on the dates, for the redemption prices and in the amounts, set out in the Officer's Pricing Certificate and shall bear

interest at rates and from their issue date as set out in the Officer's Pricing Certificate payable on each Interest Payment Date.

(d) Selling and Delivering Bonds. The Superintendent and Deputy Superintendent of Business Services for Business shall determine any optional and mandatory sinking fund redemption provisions for the Bonds, and all other matters not expressly provided in this Order relating to the issuance, sale and delivery of the Bonds, all of which shall be specified in the Officer's Pricing Certificate; provided that:

(i) the price to be paid for the Bonds shall not be less than 90% of the aggregate original principal amount of the Bonds plus accrued interest, if any, thereon from their date to their delivery;

(ii) the true interest cost of the Bonds, as calculated by the Financial Advisor to the District, shall not exceed 5.50% per annum; and

(iii) the principal amounts of the Bonds plus any premium charged against the voted authority may not exceed the maximum principal amount authorized in Section 3 hereof.

(iv) The Bonds must mature serially or otherwise not more than 20 years from their date.

(e) Sale; Competitive Bidding. The Bonds shall be sold and delivered to the Underwriter at a price to be set forth in the Officer's Pricing Certificate, in accordance with the form of the Notice of Sale and Official Bid Form to be used in connection with the competitive sale of the Bonds, the forms of which are hereby approved by the Board. The Superintendent and the Deputy Superintendent of Business Services are hereby authorized and directed to execute, on behalf of the District, the Official Bid Form of the bidder providing the lowest true interest cost to the District, and the Superintendent, the Deputy Superintendent of Business Services and Board President and all other officers, agents and representatives of the District are hereby authorized to do any and all things necessary or desirable to satisfy the conditions set out therein and to provide for the issuance and delivery of the Bonds.

(f) Use of Proceeds. Proceeds from the sale of the Bonds shall, promptly upon receipt by the District, be applied as follows:

(i) Net premium on the Bonds in the amount of $[1], shall be deposited into the Debt Service Fund.

[1] Insert from Officer's Pricing Certificate.

(ii) Net premium on the Bonds in the amount of $[2] shall be used to pay the costs of issuance.

(iii) Net premium on the Bonds in the amount of $[3] shall be used to pay the underwriters' discount.

(iv) Bond proceeds in the amount of $[4], plus net premium in the amount of $[5] shall be used for the purposes described in Section 3. Any proceeds of the Bonds remaining after making all deposits and payments shall be deposited into the Debt Service Fund.

5. Execution and Registration of Bonds. (a) The Bonds shall be signed by the President of the Board and countersigned by the Secretary of the Board, by their manual, lithographed, or facsimile signatures, and the official seal of the District shall be impressed or placed in facsimile thereon. Such facsimile signatures on the Bonds shall have the same effect as if each of the Bonds had been signed manually and in person by each of said officers, and such facsimile seal on the Bonds shall have the same effect as if the official seal of the District had been manually impressed upon each of the Bonds.

(b) If any officer of the District whose manual or facsimile signature shall appear on the Bonds shall cease to be such officer before the authentication of such Bonds or before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes as if such officer had remained in such office.

(c) Except as provided below, no Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit of this Order unless and until there appears thereon the Registrar's Authentication Certificate substantially in the form provided herein, duly authenticated by manual execution by an officer or duly authorized signatory of the Registrar. In lieu of the executed Registrar's Authentication Certificate described above, the Initial Bond delivered at the Closing Date shall have attached thereto the Comptroller's Registration Certificate substantially in the form provided herein, manually executed by the Comptroller, or by her duly authorized agent, which certificates shall be evidence that the Initial Bond have been duly approved by the Attorney General of the State of Texas and that they are valid and binding obligations of the District, and have been registered by the Comptroller.

(d) On the Closing Date, the Initial Bond, payable in stated installments to the Underwriters or their designee, executed by manual or facsimile signature of the President of the Board and Secretary of the Board, approved by the Attorney General, and registered and manually

[2] Insert from Officers Pricing Certificate.

[3] Insert from Officers Pricing Certificate.

[4] Insert from Officer's Pricing Certificate.

[5] Insert from Officer's Pricing Certificate.

signed by the Comptroller, shall be delivered to the Underwriters or their designee. Upon payment for the Initial Bond, the Registrar shall cancel the Initial Bond and definitive Bonds shall be delivered to DTC.

6. Payment of Principal and Interest. The Registrar is hereby appointed as the paying agent for the Bonds. The principal of the Bonds shall be payable, without exchange or collection charges, in any coin or currency of the United States of America which, on the date of payment, is legal tender for the payment of debts due the United States of America, upon their presentation and surrender as they respectively become due and payable at the principal payment office of the Registrar, in Dallas, Texas. The interest on each Bond shall be payable on each Interest Payment Date, by check mailed by the Registrar on or before the Interest Payment Date to the Owner of record as of the Record Date, to the address of such Owner as shown on the Register.

If the date for payment of the principal of or interest on any Bond is not a Business Day, then the date for such payment shall be the next succeeding Business Day with the same force and effect as if made on the date payment was originally due.

7. Successor Registrars. The District covenants that at all times while any Bonds are outstanding it will provide a commercial bank or trust company, organized under the laws of the United States or any state, duly qualified to serve as and perform the duties and services of Registrar for the Bonds. The District reserves the right to change the Registrar for the Bonds on not less than 30 days written notice to the Registrar, so long as any such notice is effective not less than 60 days prior to the next succeeding principal or interest payment date on the Bonds. Promptly upon the appointment of any successor Registrar, the previous Registrar shall deliver the Register or copies thereof to the new Registrar, and the new Registrar shall notify each Owner, by United States mail, first class postage prepaid, of such change and of the address of the new Registrar. Each Registrar hereunder, by acting in that capacity, shall be deemed to have agreed to the provisions of this Section.

8. Special Record Date. If interest on any Bond is not paid on any Interest Payment Date and continues unpaid for thirty (30) days thereafter, the Registrar shall establish a new record date for the payment of such interest, to be known as a Special Record Date. The Registrar shall establish a Special Record Date when funds to make such interest payment are received from or on behalf of the District. Such Special Record Date shall be fifteen (15) days prior to the date fixed for payment of such past due interest, and notice of the date of payment and the Special Record Date shall be sent by United States mail, first class, postage prepaid, not later than five (5) days prior to the Special Record Date, to each affected Owner of record as of the close of business on the day prior to the mailing of such notice.

9. Book-Entry Only System. (a) The Initial Bond shall be registered in the name as designated in the Officer's Pricing Certificate. Except as provided in Section 10 hereof, all other Bonds shall be registered in the name of Cede & Co., as nominee of DTC.

(b) With respect to Bonds registered in the name of Cede & Co., as nominee of DTC, the District and the Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom such DTC Participant holds an interest in the Bonds, except as

provided in this Order. Without limiting the immediately preceding sentence, the District and the Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than an Owner, as shown on the Register, of any amount with respect to principal of, premium, if any, or interest on the Bonds. Notwithstanding any other provision of this Order to the contrary, the District and the Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the Register as the absolute Owner of such Bond for the purpose of payment of principal of and interest on the Bonds, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfer with respect to such Bond, and for all other purposes whatsoever. The Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective Owners, as shown in the Register as provided in this Order, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District's obligations with respect to payments of principal, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an Owner, as shown in the Register, shall receive a Bond certificate evidencing the obligation of the District to make payments of amounts due pursuant to this Order. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions of this Order with respect to interest checks being mailed to the Owner of record as of the Record Date, the phrase "Cede & Co." in this Order shall refer to such new nominee of DTC.

10. Successor Securities Depository; Transfer Outside Book-Entry Only System. In the event that the District, in its sole discretion, determines that the beneficial owners of the Bonds should be able to obtain certificated Bonds, or in the event DTC discontinues the services described herein, the District shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC Participants, as identified by DTC, of the appointment of such successor securities depository and transfer one or more separate Bonds to such successor securities depository or (ii) notify DTC and DTC Participants, as identified by DTC, of the availability through DTC of Bonds and transfer one or more separate Bonds to DTC Participants having Bonds credited to their DTC accounts, as identified by DTC. In such event, the Bonds shall not longer be restricted to being registered in the Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Order.

11. Payments to Cede & Co. Notwithstanding any other provision of this Order to the contrary, so long as any Bonds are registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bonds, and all notices with respect to such Bonds, shall be made and given, respectively, in the manner provided in the Blanket Letter of Representations.

12. Ownership; Unclaimed Principal and Interest. The District, the Registrar and any other person may treat the person in whose name any Bond is registered as the absolute owner of

such Bond for the purpose of making and receiving payment of the principal of or interest on such Bond, and for all other purposes, whether or not such Bond is overdue, and neither the District nor the Registrar shall be bound by any notice or knowledge to the contrary. All payments made to the person deemed to be the Owner of any Bond in accordance with this Section shall be valid and effectual and shall discharge the liability of the District and the Registrar upon such Bond to the extent of the sums paid.

Amounts held by the Registrar which represent principal of and interest on the Bonds remaining unclaimed by the Owner after the expiration of three years from the date such amounts have become due and payable shall be reported and disposed of by the Registrar in accordance with the applicable provisions of Texas law including, to the extent applicable, Title 6 of the Texas Property Code, as amended.

13. Registration, Transfer, and Exchange. So long as any Bonds remain outstanding, the Registrar shall keep the Register at its principal payment office in Dallas, Texas. Subject to such reasonable regulations as it may prescribe, the Registrar shall provide for the registration and transfer of Bonds in accordance with the terms of this Order.

Each Bond shall be transferable only upon the presentation and surrender thereof at the principal payment office of the Registrar in Dallas, Texas, duly endorsed for transfer, or accompanied by an assignment duly executed by the registered Owner or his authorized representative in form satisfactory to the Registrar. Upon due presentation of any Bond for transfer, the Registrar shall authenticate and deliver in exchange therefor, within three Business Days after such presentation, a new Bond or Bonds of the same type registered in the name of the transferee or transferees, in authorized denominations and of the same maturity and aggregate principal amount and bearing interest at the same rate as the Bond or Bonds so presented.

All Bonds shall be exchangeable upon presentation and surrender thereof at the principal payment office of the Registrar in Dallas, Texas, for a Bond or Bonds of the same type, maturity and interest rate in any authorized denomination, in an aggregate amount equal to the unpaid principal amount of the Bond or Bonds presented for exchange. The Registrar shall be and is hereby authorized to authenticate and deliver exchange Bonds in accordance with the provisions of this Section. Each Bond delivered in accordance with this Section shall be entitled to the benefits and security of this Order to the same extent as the Bond or Bonds in lieu of which such Bond is delivered.

The District or the Registrar may require the Owner of any Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with the transfer or exchange of such Bond. Any fee or charge of the Registrar for such transfer or exchange shall be paid by the District.

14. Mutilated, Lost, or Stolen Bonds. Upon the presentation and surrender to the Registrar of a mutilated Bond, the Registrar shall authenticate and deliver in exchange therefor a replacement Bond of like maturity, interest rate, and principal amount, bearing a number not contemporaneously outstanding. If any Bond is lost, apparently destroyed, or wrongfully taken, the District, pursuant to the applicable laws of the State of Texas and in the absence of notice or

knowledge that such Bond has been acquired by a bona fide purchaser, shall authorize and the Registrar shall authenticate and deliver a replacement Bond of like maturity, interest rate and principal amount, bearing a number not contemporaneously outstanding.

The District or the Registrar may require the Owner of a mutilated Bond to pay a sum sufficient to cover any tax or other governmental charge that may be imposed in connection therewith and any other expenses connected therewith, including the fees and expenses of the Registrar. The District or the Registrar may require the Owner of a lost, apparently destroyed or wrongfully taken Bond, before any replacement Bond is issued, to:

(1) furnish to the District and the Registrar satisfactory evidence of the ownership of and the circumstances of the loss, destruction or theft of such Bond;

(2) furnish such security or indemnity as may be required by the Registrar and the District to save them harmless;

(3) pay all expenses and charges in connection therewith, including, but not Unlimited to, printing costs, legal fees, fees of the Registrar and any tax or other governmental charge that may be imposed; and

(4) meet any other reasonable requirements of the District and the Registrar.

If, after the delivery of such replacement Bond, a bona fide purchaser of the original Bond in lieu of which such replacement Bond was issued presents for payment such original Bond, the District and the Registrar shall be entitled to recover such replacement Bond from the person to whom it was delivered or any person taking therefrom, except a bona fide purchaser, and shall be entitled to recover upon the security or indemnity provided therefor to the extent of any loss, damage, cost or expense incurred by the District or the Registrar in connection therewith.

If any such mutilated, lost, apparently destroyed or wrongfully taken Bond has become or is about to become due and payable, the District in its discretion may, instead of issuing a replacement Bond, authorize the Registrar to pay such Bond.

Each replacement Bond delivered in accordance with this Section shall be entitled to the benefits and security of this Order to the same extent as the Bond or Bonds in lieu of which such replacement Bond is delivered.

15. Cancellation of Bonds. All Bonds paid in accordance with this Order, and all Bonds in lieu of which exchange Bonds or replacement Bonds are authenticated and delivered in accordance herewith, shall be cancelled and destroyed upon the making of proper records regarding such payment. The Registrar shall furnish the District with appropriate certificates of destruction of such Bonds.

16. Optional and/or Mandatory Redemption; Defeasance. The Bonds are subject to optional and/or mandatory redemption as set forth in the Form of Bonds and in the Officer's Pricing Certificate.

Notice of any redemption identifying the Bonds to be redeemed in whole or in part shall be given by the Registrar at least thirty days prior to the date fixed for redemption by sending written notice by first class mail to the Owner of each Bond to be redeemed in whole or in part at the address shown on the Register. Such notices shall state the redemption date, the redemption price, the place at which Bonds are to be surrendered for payment and, if less than all Bonds of a particular maturity are to be redeemed, the numbers of the Bonds or portions thereof of such maturity to be redeemed. Any notice given as provided in this Section shall be conclusively presumed to have been duly given, whether or not the Owner receives such notice. By the date fixed for redemption, due provision shall be made with the Registrar for payment of the redemption price of the Bonds or portions thereof to be redeemed. When Bonds have been called for redemption in whole or in part and due provision has been made to redeem same as herein provided, the Bonds or portions thereof so redeemed shall no longer be regarded as outstanding except for the purpose of receiving payment solely from the funds so provided for redemption, and the rights of the Owners to collect interest which would otherwise accrue after the redemption date on any Bond or portion thereof called for redemption shall terminate on the date fixed for redemption.

The Bonds may be discharged, defeased, redeemed or refunded in any manner now or hereafter permitted by law.

17. Forms. The form of the Bonds, including the form of Registration Certificate of the Comptroller, which shall be attached or affixed to each Initial Bond, the form of the Registrar's Authentication Certificate, the form of Assignment and the form of Guarantee Endorsement of the Commissioner of Education of the State of Texas, shall be, respectively, substantially as follows, with such additions, deletions and variations as may be required by the Superintendent and/or Deputy Superintendent of Business Services necessary or desirable and not prohibited by this Order:

(a) Form of Bond.

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF HARRIS

REGISTERED NUMBER	REGISTERED DENOMINATION
_____	$_____

ALIEF INDEPENDENT SCHOOL DISTRICT
UNLIMITED TAX SCHOOL BUILDING BOND
SERIES 2025

INTEREST RATE:	MATURITY DATE:	DATED DATE:[6]	CUSIP:
	_____	_____	

REGISTERED OWNER:

PRINCIPAL AMOUNT: DOLLARS

ALIEF INDEPENDENT SCHOOL DISTRICT (the "District") promises to pay to the registered owner identified above, or registered assigns, on the maturity date specified above, upon presentation and surrender of this Bond at the principal payment office of The Bank of New York Mellon Trust Company, N.A, in Dallas, Texas (the "Registrar"), the principal amount identified above, payable in any coin or currency of the United States of America which on the date of payment is legal tender for the payment of debts due the United States of America, and to pay interest thereon at the rate shown above, calculated on the basis of a 360-day year of twelve 30-day months, from _____[7], or the most recent interest payment date to which interest has been paid or duly provided for. Interest on this Bond is payable by check on _____[8] and _____[9] beginning on _____[10], mailed to the registered owner as shown on the books of registration kept by the Registrar as of the close of business on the last business day of the month next preceding each interest payment date.

[6] Insert from Officer's Pricing Certificate.

[7] Insert from Officer's Pricing Certificate.

[8] Insert from Officer's Pricing Certificate.

[9] Insert from Officer's Pricing Certificate.

[10] Insert from Officer's Pricing Certificate.

THIS BOND is one of a duly authorized issue of Bonds, aggregating $_____[11]_____ (the "Bonds"), issued for (i) the construction, acquisition, renovation and equipment of school buildings in the District, the purchase of necessary sites for school buildings, and the purchase of new school buses, (ii) the acquisition, installation, and update of technology equipment, and (iii) paying the cost of issuing the bonds, under and in strict conformity with the Constitution and laws of the State of Texas, particularly Chapter 45, Texas Education Code and Chapter 1371, Texas Government Code, and pursuant to an order adopted by the Board of Trustees of the District (the "Order"), which Order is of record in the official minutes of the District.

THE DISTRICT RESERVES THE RIGHT, at its option, to redeem Bonds maturing on or after _____[12]_____, in whole or in part, in integral multiples of $5,000, on _____[13]_____, or any date thereafter at par plus accrued interest on the principal amounts called for redemption to the date fixed for redemption. If less than all the Bonds are to be redeemed, the District shall select the Bonds to be redeemed.

[If applicable, mandatory redemption language][14]

NOTICE OF ANY REDEMPTION shall be given by the Registrar at least thirty (30) days prior to the date fixed for redemption by first class mail, addressed to the registered owners of each Bond to be redeemed in whole or in part at the address shown on the books of registration kept by the Registrar. When Bonds or portions thereof have been called for redemption, and due provision has been made to redeem the same, the principal amounts so redeemed shall be payable solely from the funds provided for redemption, and interest which would otherwise accrue on the amounts called for redemption shall terminate on the date fixed for redemption.

THIS BOND IS TRANSFERABLE only upon presentation and surrender at the principal payment office of the Registrar in Dallas, Texas, duly endorsed for transfer or accompanied by an assignment duly executed by the registered owner or his authorized representative, subject to the terms and conditions of the Order.

THIS BOND IS EXCHANGEABLE at the principal payment office of the Registrar in Dallas, Texas, for Bonds in the denomination of $5,000 or any integral multiple thereof, subject to the terms and conditions of the Order.

THIS BOND shall not be valid or obligatory for any purpose or be entitled to any benefit under the Order unless this Bond is either (i) registered by the Comptroller of Public Accounts of the State of Texas by registration certificate attached or affixed hereto or (ii) authenticated by the Registrar by due execution of the authentication certificate endorsed hereon.

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[11] Insert from Officer's Pricing Certificate.

[12] Insert from Officer's Pricing Certificate.

[13] Insert from Officer's Pricing Certificate.

[14] Insert from Officer's Pricing Certificate or remove if Bonds are not subject to mandatory redemption.

THE REGISTERED OWNER of this Bond, by acceptance hereof, acknowledges and agrees to be bound by all the terms and conditions of the Order.

THE DISTRICT has covenanted in the Order that it will at all times provide a legally qualified registrar for the Bonds and will cause notice of any change of registrar to be mailed to each registered owner.

IT IS HEREBY certified, recited and covenanted that this Bond has been duly and validly issued and delivered; that all acts, conditions and things required or proper to be performed, to exist and to be done precedent to or in the issuance and delivery of this Bond have been performed, exist and have been done in accordance with law; and that annual ad valorem taxes, without legal limit as to rate or amount, sufficient to provide for the payment of the interest on and principal of this Bond, as such interest comes due and such principal matures, have been levied and ordered to be levied against all taxable property in the District, and have been pledged irrevocably for such payment.

IN WITNESS WHEREOF, this Bond has been signed with the manual or facsimile signature of the President and countersigned with the manual or facsimile signature of the Secretary, and the official seal of the District has been duly impressed, or placed in facsimile, on this Bond.

(AUTHENTICATION CERTIFICATE) (SEAL) ALIEF INDEPENDENT SCHOOL DISTRICT

_____
President, Board of Trustees

_____
Secretary, Board of Trustees

(b) Form of Comptroller's Registration Certificate.

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO. _____

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS MY SIGNATURE AND SEAL this _____.

_____
Comptroller of Public Accounts
of the State of Texas

(SEAL)

(c) Form of Registrar's Authentication Certificate.

AUTHENTICATION CERTIFICATE
It is hereby certified that this Bond has been delivered pursuant to the Bond Order described in the text of this Bond.

The Bank of New York Mellon Trust Company, N.A.
As Paying Agent/Registrar

By _____
Authorized Signature
Date of Authentication _____

(d) Form of Assignment.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns, and transfers unto

_____

_____

(Please print or type name, address, and zip code of Transferee)

_____

(Please insert Social Security or Taxpayer Identification Number of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____

attorney to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____ _____

Signature Guaranteed:

_____

_____

NOTICE: Signature must be guaranteed by a member firm of the New York Stock Exchange or a commercial bank or trust company.

_____

Registered Owner

NOTICE: The signature above must correspond to the name of the registered owner as shown on the face of this Bond in every particular, without any alteration, enlargement or change whatsoever.

(e) Form of Guarantee Endorsement.

PSF CERTIFICATE

Under the authority granted by Article 7, Section 5 of the Texas Constitution and Subchapter C of Chapter 45 of the Texas Education Code, the payment, when due, of the principal of and interest on the issuance by the Alief Independent School District of its Unlimited Tax School Building Bonds, Series 2025, dated _____[15], 2025, in the principal amount of $_____[16] is guaranteed by the corpus of the Permanent School Fund of the State pursuant to the bond guarantee program administered by the Texas Education Agency. This guarantee shall be removed in its entirety upon defeasance of such bonds.

Reference is hereby made to the continuing disclosure agreement of the Texas Education Agency, set forth in Section I of the Agency's Investment Procedure Manual and the Agency's commitment letter for the guarantee. Such disclosure agreement has been made with respect to the bond guarantee program, in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission, for the benefit of the holders and beneficial owners of the bonds.

In witness thereof I have caused my signature to be placed in facsimile on this bond.

_____
Mike Morath
Commissioner of Education

(f) The Initial Bond shall be in the form set forth in paragraphs (a), (b), (d), and (e) of this Section, except for the following alterations:

(i) immediately under the name of the Bond, the headings "INTEREST RATE" and "MATURITY DATE" shall both be completed with the words "As Shown Below" and the word "CUSIP" deleted; and

(ii) in the first paragraph of the Bond, the words "on the maturity date specified above," and "at the rate shown above" shall be deleted and the following shall be inserted at the end of the first sentence "..., with such principal to be paid in installments on the dates, in each of the years and in the principal amounts identified in the following schedule and with such installments bearing interest at the per annum rates set forth in the following schedule:"

[Information to be inserted from schedule in the Officer's Pricing Certificate.]

[15] Insert from Officer's Pricing Certificate.

[16] Insert from Officers Pricing Certificate.

18. CUSIP Numbers. CUSIP Numbers may be printed on the Bonds, but errors or omissions in the printing of such numbers shall have no effect on the validity of the Bonds.

19. Debt Service Fund; Tax Levy. A special fund to be designated "Alief Independent School District Unlimited Tax School Building Bonds, Series 2025 Debt Service Fund" is hereby created, and the proceeds from all taxes levied, assessed and collected for and on account of the Bonds authorized by this Order shall be deposited, as collected, in such Fund. While the Bonds or any part of the principal thereof or interest thereon remain outstanding and unpaid, there is hereby levied and there shall be annually assessed and collected in due time, form and manner, and at the same time as other District taxes are assessed, levied and collected, in each year, a continuing direct annual ad valorem tax, without legal limit as to rate or amount, upon all taxable property in the District, sufficient to pay the interest on the Bonds as the same becomes due and to pay each installment of the principal of the Bonds as the same matures, full allowance being made for delinquencies and costs of collection, and said taxes are hereby irrevocably pledged to the payment of the interest on and principal of the Bonds and to no other purpose.

To pay any debt service coming due on any Bonds issued prior to receipt of the taxes levied to pay such debt service, there is hereby appropriated from current funds on hand, which are hereby certified to be on hand and available for such purpose, an amount sufficient to pay such debt service, and such amount shall be used for no other purpose.

Any money received by the District with respect to the Bonds as state assistance pursuant to the instructional allotment or as state assistance with existing debt, each as authorized by Chapter 46, Texas Education Code, shall be deposited in the Debt Service Fund as required by Sections 46.009 and 46.035, Texas Education Code, respectively. The District will take into account the balance in the Debt Service Fund when it sets its debt service tax rate each year.

20. Application of Chapter 1208, Government Code. Chapter 1208, Government Code, applies to the issuance of the Bonds and the pledge of the taxes granted by the District under Section 19 of this Order, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the taxes granted by the District under Section 19 of this Order is to be subject to the filing requirements of Chapter 9, Business & Commerce Code, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the District agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9, Business & Commerce Code and enable a filing to perfect the security interest in said pledge to occur.

21. Further Proceedings. After the Initial Bond has been executed, it shall be the duty of the President of the Board and other appropriate officials and agents of the District to deliver the Initial Bond and all pertinent records and proceedings to the Attorney General of the State of Texas, for examination and approval. After the Initial Bond has been approved by the Attorney General, it shall be delivered to the Comptroller for registration. Upon registration of the Initial Bond, the Comptroller (or the Comptroller's bond clerk or an assistant bond clerk lawfully designated in writing to act for the Comptroller) shall manually sign the Comptroller's Registration

Certificate prescribed herein and the seal of said Comptroller shall be impressed, or placed in facsimile, thereon.

22. Covenants to Maintain Tax Exempt Status.

(a) Definitions. When used in this Section, the following terms have the following meanings:

"Code" means the Internal Revenue Code of 1986, as amended by all legislation, if any, enacted on or before the Issue Date.

"Computation Date" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Gross Proceeds" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Investment" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Issue Date" for the Bonds or other obligations of the District is the respective date on which such series or sub-series of the Bonds or other obligations of the District is delivered against payment therefor.

"Net Sale Proceeds" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Nonpurpose Investment" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Proceeds" has the meaning stated in Section 1.148-1(b) of the Regulations.

"Rebate Amount" has the meaning stated in Section 1.148-3 of the Regulations.

"Regulations" means the temporary or final Income Tax Regulations applicable to the Bonds issued pursuant to Sections 141 through 150 of the Code. Any reference to a section of the Regulations shall also refer to any successor provision to such section hereafter promulgated by the Internal Revenue Service pursuant to Sections 141 through 150 of the Code and applicable to the Bonds.

"Yield of"

(1) any Investment shall be computed in accordance with Section 1.148-5 of the Regulations, and

(2) the Bonds shall be computed in accordance with Section 1.148-4 of the Regulations.

(b) Not to Cause Interest to Become Taxable. The District shall not use, permit the use of or omit to use Gross Proceeds of the Bonds or any other amounts (or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with Gross Proceeds) in a manner which, if made or omitted, respectively, would cause the interest on any Bond to become includable in the gross income, as defined in Section 61 of the Code, of the owner thereof for federal income tax purposes. Without limiting the generality of the foregoing, unless and until the District shall have received a written opinion of counsel nationally recognized in the field of municipal bond law to the effect that failure to comply with such covenant will not adversely affect the exemption from federal income tax of the interest on any Bond, the District shall comply with each of the specific covenants in this Section.

(c) No Private Use or Private Payments. Except as permitted by Section 141 of the Code and the regulations and rulings thereunder, the District shall, at all times after the Issue Date of any Bond and prior to the last stated maturity of the Bonds

(i) exclusively own, operate, and possess all property the acquisition, construction, or improvement of which is to be financed directly or indirectly with Gross Proceeds of the Bonds and not use or permit the use of such Gross Proceeds or any property acquired, constructed, or improved with such Gross Proceeds in any activity carried on by any person or entity other than a state or local government, unless such use is solely as a member of the general public, or

(ii) not directly or indirectly impose or accept any charge or other payment for use of Gross Proceeds of the Bonds or any property the acquisition, construction or improvement of which is to be financed directly or indirectly with such Gross Proceeds other than taxes of general application and interest earned on investments acquired with such Gross Proceeds pending application for their intended purposes.

(d) No Private Loan. Except to the extent permitted by Section 141 of the Code and the regulations and rulings thereunder, the District shall not use Gross Proceeds of the Bonds to make or finance loans to any person or entity other than a state or local government. For purposes of the foregoing covenant, Gross Proceeds are considered to be "loaned" to a person or entity if (1) property acquired, constructed or improved with Gross Proceeds is sold or leased to such person or entity in a transaction which creates a debt for federal income tax purposes, (2) capacity in or service from such property is committed to such person or entity under a take-or-pay, output, or similar contract or arrangement, or (3) indirect benefits, or burdens and benefits of ownership, of such Gross Proceeds or such property are otherwise transferred in a transaction which is the economic equivalent of a loan.

(e) Not to Invest at Higher Yield. Except to the extent permitted by Section 148 of the Code and the regulations and rulings thereunder, the District shall not, at any time prior to the earlier of the final stated maturity or final payment of the Bonds, directly or indirectly invest Gross

Proceeds of the Bonds in any Investment (or use such Gross Proceeds to replace money so invested), if as a result of such investment the Yield of all Investments allocated to such Gross Proceeds whether then held or previously disposed of, exceeds the Yield on the Bonds.

(f) Not Federally Guaranteed. Except to the extent permitted by Section 149(b) of the Code and the regulations and rulings thereunder, the District shall not take or omit to take any action which would cause the Bonds to be federally guaranteed within the meaning of Section 149(b) of the Code and the regulations and rulings thereunder.

(g) Information Report. The District shall timely file with the Secretary of the Treasury the information required by Section 149(e) of the Code with respect to the Bonds on such forms and in such place as such Secretary may prescribe.

(h) Payment of Rebate Amount. Except to the extent otherwise provided in Section 148(f) of the Code and the regulations and rulings thereunder, the District shall:

(i) account for all Gross Proceeds of the Bonds (including all receipts, expenditures and investments thereof) on its books of account separately and apart from all other funds (and receipts, expenditures and investments thereof) and shall retain all records of such accounting for at least nine years after the final Computation Date. The District may, however, to the extent permitted by law, commingle Gross Proceeds of the Bonds with other money of the District, provided that the District separately accounts for each receipt and expenditure of such Gross Proceeds and the obligations acquired therewith,

(ii) calculate the Rebate Amount with respect to the Bonds not less frequently than each Computation Date, in accordance with rules set forth in Section 148(f) of the Code, Section 1.148-3 of the Regulations, and the rulings thereunder. The District shall maintain a copy of such calculations for at least three years after the final Computation Date,

(iii) as additional consideration for the purchase of the Bonds by the initial purchasers thereof and the loan of the money represented thereby, and in order to induce such purchase by measures designed to ensure the excludability of the interest thereon from the gross income of the owners thereof for federal income tax purposes, pay to the United States the amount described in paragraph (2) above at the times, in the installments, to the place, in the manner and accompanied by such forms or other information as is or may be required by Section 148(f) of the Code and the regulations and rulings thereunder, and

(iv) exercise reasonable diligence to assure that no errors are made in the calculations required by paragraph (2) and, if such error is made, to discover and promptly to correct such error within a reasonable amount of time thereafter, including payment to the United States of any interest and any penalty required by the Regulations.

(i) Not to Divert Arbitrage Profits. Except to the extent permitted by Section 148 of the Code and the regulations and rulings thereunder, the District shall not, at any time after the Issue Date of the Bonds and prior to the earlier of the final stated maturity or final payment of the Bonds, enter into any transaction that reduces the amount required to be paid to the United States pursuant to Subsection (h) of this Section because such transaction results in a smaller profit or a larger loss than would have resulted if the transaction had been at arm's length and had the Yield of the Bonds not been relevant to either party.

(j) Not Hedge Bonds. The District did not invest more than 50 percent of the Proceeds of the Bonds, and will not invest more than 50 percent of the proceeds of the Bonds, in Nonpurpose Investments having a guaranteed yield for four years or more. On the Issue Date, the District will reasonably expect that at least 85 percent of the Net Sale Proceeds of the Bonds would be used to carry out the governmental purpose of such series within three years after the Issue Date of such series.

23. Permanent School Fund Guarantee. The District has applied for and received approval from the Texas Commissioner of Education (the "Commissioner"), subject to compliance with the Commissioners rules and regulations, for payment of the principal of and interest on the Bonds to be guaranteed by the Permanent School Fund of the State of Texas. If the Bonds are defeased, the guarantee of the Bonds will be removed in its entirety and, in case of default and in accordance with Texas Education Code §45.061, the Comptroller of Public Accounts will withhold the amount paid, plus interest, from the first state money payable to the District in the following order: foundation school fund, available school fund. In connection with the guarantee of the Bonds by the Permanent School Fund, the District, hereby certifies and covenants that

(a) a certified copy of this Order and copies of the Official Notice of Sale and Final Official Statement (and final savings schedule for refunded bonds) shall be furnished to the Division of State Funding, School Facilities and Transportation, within ten (10) calendar days;

(b) following any determination by the District that it is or will be unable to pay maturing or matured principal or interest on the bonds, the District will take all action required by Subchapter C of Chapter 45 of the Texas Education Code, as amended, including, but not Unlimited to, the giving of timely notice of such determination to the Commissioner; and

(c) the District will notify the Division of State Funding in writing within ten (10) calendar days of the defeasance of any guaranteed Bonds.

24. Continuing Disclosure Undertaking. As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(a) Annual Reports. The District shall provide annually to the MSRB, (1) within six (6) months after the end of each fiscal year, financial information and operating data with respect to the District of the general type included in Appendix A, Tables 1 through 12, in the final Official Statement authorized by Section 28 herein, and (2) if not provided as part of such financial information and operating data, audited financial statements of the District, if and when available. Any financial statements so to be provided shall be (i) prepared in accordance with the accounting principles prescribed by the Texas State Board of Education or such other accounting principles as the District may be required to employ from time to time pursuant to State law or regulation and (ii) audited, if the District commissions an audit of such statements and the audit is completed within the period during which they must be provided. If the audit of such financial statements is not complete within 12 months after any such fiscal year end, then the District shall file unaudited financial statements within such 12-month period and audited financial statements for the applicable fiscal year, when and if the audit report on such financial statements becomes available.

If the District changes its fiscal year, it will submit a notice of such change to the MSRB, and the date of the new fiscal year end prior to the next date by which the District otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB).

(b) The District shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner (not in excess of ten (10) days after the occurrence of the event), of any of the following events with respect to the Bonds:

(i) Principal and interest payment delinquencies;
(ii) Non-payment related defaults, if material;
(iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
(iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
(v) Substitution of credit or liquidity providers or their failure to perform;
(vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
(vii) Modifications to rights of holders of the Bonds, if material;
(viii) Bond calls, if material, and tender offers;
(ix) Defeasances;
(x) Release, substitution, or sale of property securing repayment of the Bonds, if material;

(xi) Rating changes;

(xii) Bankruptcy, insolvency, receivership, or similar event of the District;

(xiii) The consummation of a merger, consolidation, or acquisition involving the District or the sale of all or substantially all of the assets of the District, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material;

(xv) Incurrence of a financial obligation of the District, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the District, any of which affect security holders, if material; and

(xvi) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the District, any of which reflect financial difficulties.

For these purposes, any event described in (xii) in the immediately preceding paragraph is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the District in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the District, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the District. The District shall notify the MSRB, in a timely manner, of any failure by the District to provide financial information or operating data in accordance with this Section by the time required by this Section.

As used in clauses (xv) and (xvi) above, the term "financial obligation" means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that "financial obligation" shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule. The District intends the words used in the above clauses (xv) and (xvi) and in the definition of financial obligation above to have the meanings ascribed to them in SEC release No. 34-83885 dated August 20, 2018.

The District shall notify the MSRB in an electronic format prescribed by the MSRB, in a timely manner, of any failure by the District to provide financial information or operating data in accordance with this Section by the time required by such Section.

All documents provided to the MSRB shall be accompanied by identifying information, as prescribed by the MSRB.

(c) The District shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the District remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the District in any event will give the notice required by this Section of any Bond calls and defeasance that cause the District to be no longer such an "obligated person."

The provisions of this Section are for the sole benefit of the Registered Owners and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The District undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the District's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The District does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

UNDER NO CIRCUMSTANCES SHALL THE DISTRICT BE LIABLE TO THE REGISTERED OWNER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE DISTRICT, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

No default by the District in observing or performing its obligations under this Section shall constitute a breach of or default under the Order for purposes of any other provision of this Order.

Nothing in this Section is intended to or shall act to disclaim, waive, or otherwise limit the duties of the District under federal and state securities laws.

(d) The provisions of this Section may be amended by the District from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the District, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell the Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Registered Owners of a majority in aggregate principal amount (or any greater amount required by any other provision of this Order that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a person that is unaffiliated with the District (such as nationally recognized bond counsel)

determines that such amendment will not materially impair the interests of the Registered Owners and beneficial owners of the Bonds. If the District so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided. The District may also amend or repeal the provisions of this Section if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, and the District also may amend the provisions of this Section in its discretion in any other manner or circumstance, but in any case only if and to the extent that the provisions of this sentence would not have prevented an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds, giving effect to (a) such provisions as so amended and (b) any amendments or interpretations of the Rule.

25. Official Statement. The District hereby approves the form and content and distribution of the Preliminary Official Statement prepared in the initial offering and sale of the Bonds and hereby authorizes the preparation of a final Official Statement reflecting the terms of the Official Bid Form and other relevant information. The use of such final Official Statement by the Underwriter is hereby approved and authorized and the proper officials of the District are authorized to sign such Official Statement.

26. Power to Revise Form of Documents. Notwithstanding any other provision of this Order, the President of the Board is hereby authorized to make or approve such revisions, additions, deletions, and variations to this Order and in the form of the documents attached hereto as exhibits as, in the judgment of the President, and in the opinion of Bond Counsel to the District, may be necessary or convenient to carry out or assist in carrying out the purposes of this Order, the Preliminary Official Statement, the final Official Statement, or as may be required for approval of the Bonds by the Attorney General of Texas; provided, however, that any changes to such documents resulting in substantive amendments to the terms and conditions of the Bonds or such documents shall be subject to the prior approval of the Board.

27. Related Matters. To satisfy in a timely manner all of the District's obligations under this Order, the President or Vice President, the Secretary or the Assistant Secretary and all other appropriate officers and agents of the District are hereby authorized and directed to do any and all things necessary and/or convenient to carry out the terms of this Order.

28. Registrar. The form of agreement setting forth the duties of the Registrar is hereby approved, and the appropriate officials of the District are hereby authorized to execute such agreement for and on behalf of the District.

29. No Personal Liability. No recourse shall be had for payment of the principal of or interest on any Bonds or for any claim based thereon, or on this Order, against any official or employee of the District or any person executing any Bonds.

30. Open Meeting. It is hereby officially found and determined that the meeting at which this Order was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by the Texas Open Meetings Act.

PASSED AND APPROVED this ___ day of April, 2025.

_____
President, Board of Trustees
Alief Independent School District

ATTEST:

_____
Secretary, Board of Trustees
Alief Independent School District

(SEAL)

Alief Independent School District
Unlimited Tax School Building Bonds, Series 2025

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PURCHASER
TBD

ALIEF INDEPENDENT SCHOOL DISTRICT

$50,270,000 UNLIMITED TAX SCHOOL BUILDING BONDS, SERIES 2025

Timetable of Events

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

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

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

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

Date	Action	Responsibility
3/18	Submit application to Permanent School Fund (PSF) guarantee program	FA
3/18	Submit request to the District for information for the offering documents	FA
4/2	Receive updated information from District for offering documents	ISD
4/3	Submit draft of bond documents and agenda language to working group	BC
4/9	First draft of POS, NOS & Bid Form to working group	FA
4/9	Submit draft of POS, NOS & Bid Form to rating agency	FA
4/15	**Regular Board Meeting** - adopt parameter bond order authorizing the sale of the Bonds and other related matters	ISD, FA, BC
4/16	Comments from working group on first draft of POS, NOS & Bid Form	BC, DC, FA
4/17	Second draft of POS, NOS & Bid Form to working group	FA
4/22	Receive PSF guarantee	FA
4/22-23	Rating agency meeting/conference call (TBD)	ISD, FA
4/25	Second draft of comments from working group on POS, NOS & Bid Form	BC, DC, FA
4/29	Final draft of POS, NOS & Bid Form to working group	FA
5/1	Final comments from working group on POS, NOS & Bid Form	BC, DC, FA
5/6	Notify Texas Bond Reporter, The Bond Buyer, and Bloomberg of sale	FA
5/6	Print and distribute POS, NOS & Bid Form and order CUSIPs	FA

Date	Action	Responsibility
5/7	Receive ratings	ISD, FA
5/13	**Bids Due - Pricing of the Bonds – 10:00 a.m. Central Time**	ISD, FA, P
5/13	Execution of Final Pricing Certificate subject to meeting approved parameters	ISD, BC, FA
5/20	Bond counsel compiles transcript of proceedings and submits to Texas Attorney General	BC
5/20	Print and distribute final offering documents	FA, BC, DC
6/3	Prepare and distribute closing memorandum	FA
6/10	**Deliver Bonds**	BC, FA, P

Financing Team Members:

ISD - Alief Independent School District
BC - Bond Counsel – Hunton Andrews Kurth LLP
DC - Disclosure Counsel – The Bates Law Firm, PLLC
FA - Financial Advisor – U.S. Capital Advisors
P - Purchaser – TBD

TEXAS EDUCATION AGENCY
State Funding Division
Application for Guarantee of School Bonds

New Issue Only

Issuer Name: Alief ISD
Application No: 2025-03-Alief ISD-1

Dated Date of Bond:	06/01/2025	**New Money:**	$51,170,000.00
Sale / Pricing Date:	05/13/2025	**Total Principal:**	$51,170,000.00
Date Election Called:	08/03/2021		
Successful Bond Election:	11/02/2021		

Bond Title: Unlimited Tax School Building Bonds, Series 2025
Bond Purpose: Facility and technology improvements throughout the District, school buses, classroom instructional technology, lighting upgrades and to pay for the cost of issuance.
Has district claimed exigency? No

Documents Submitted
PreliminaryMaturitySchedule - psf numbers alief isd series 2025 (3.17.25).pdf

Financial Advisor
Lewis Wilks

Financial Advisor

Superintendent
Dr. Anthony Mays

Paying Agent
Letha Glover

Bond Counsel
Thomas Sage

Certification and Incorporation
I hereby certify that the information contained in this application is, to the best of my knowledge, true and correct and that the local education agency named above has authorized me as its representative to obligate this agency. I further certify that this debt is eligible for the Texas PSF Bond Guarantee Program in accordance with all applicable Texas Education Code, Texas Administrative Code and State Board of Education rules and TEA regulations. I understand that the bonds may not be represented as guaranteed until a letter approving the guarantee has been signed by the commissioner. I further understand that the amount applied for and approved to be guaranteed by TEA cannot be increased without express written consent from TEA. It is also understood by the applicant that this application constitutes an offer and, if accepted by Agency or renegotiated to acceptance, will form a binding agreement.

Authorized Signature: Lewis Wilks **Date Submitted:** 03/17/2025

Authority for Data Collection: TEC Sec. 45.055 and 19 TAC Sec. 33.65 Planned use of Data: Approval of Guarantee of School Bonds

Localized Policy Manual Update 124

101903 Alief ISD

Update 124 contains local policies that require board action and adoption notification before we can incorporate the revisions into your district's Policy Online® manual. Local policies are completely within the control of each local school board. You may use the draft local policies provided, amend them, or write your own policy to meet your district's unique needs.

Please note that legal policies, which are not adopted by the board, will not be published on Policy Online until the board acts on the local policies or specifically requests earlier publication.

What should I do to prepare for board adoption?

1. Log in to Policy Online,[1] select **Local Manual Updates** from the **My Policy Manual** menu, click **Numbered Updates**, then click **UPDATE 124**.
2. Download and save the numbered update resource materials for Update 124.
3. Present the local policies to your board for adoption. Provide your board with the explanatory notes and encourage them to review those along with the local policies.

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

1. Following board action, go to **Numbered Updates**,[2] select the appropriate numbered update, then click **Notify TASB of Board Action**.
2. Fill out and submit the electronic form so we can incorporate the adopted policies into your district's Policy Online manual.
3. If there are additional changes, submit the annotated changes with your adoption notification.

Questions?

- For questions about Policy Online, visit the User's Guide[3] or contact pol-support@tasb.org.
- For questions about policy text, contact your district's assigned policy consultant.[4]

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[1] Policy Online: https://pol.tasb.org/
[2] Policy Online Numbered Updates: https://pol.tasb.org/Member/LocalManualUpdates
[3] Policy Online User's Guide: https://www.tasb.org/resources/policy-online-user-guide
[4] Policy Consultant contact information: https://pol.tasb.org/Member/PolicyConsultant/Details

Localized Policy Manual Update 124

Alief ISD

You can download a PDF of this update packet, annotated copies of the local policies, editable local policy text, and more under Local Manual Updates on Policy Online®.[1]

Other materials, including an overview video of the local policy changes and a document outlining common legal issues specific to the local policies in this update, are also available in Local Manual Updates.

Need help? Please contact your policy consultant,[2] or call Policy Service at 800-580-7529 or email policy.service@tasb.org.

Overview

Update 124 includes revisions to legal policies based on legislative and regulatory changes. Changes to local policies offered for consideration address the following topics:

- Financial ethics
- Investments
- Intellectual property
- Employee standards of conduct
- Special programs
- Gifted and talented students
- Child abuse and neglect
- Conduct on school premises

Please see the Explanatory Notes included in this update packet for a description of the specific changes for each policy.

Board action on the local policies included in the update must occur within a properly posted, open meeting of the board. Instructions for placing policy changes on the agenda for board action and keeping minutes are included with the Update 124 materials under Local Manual Updates[3] on Policy Online.

For more guidance on reviewing and adopting TASB numbered updates, including information on incorporating the update into the district's policy manual and maintaining a historical record of policies, please refer to *The Administrator's Guide to Policy Management*,[4] available in the Policy Online Governance and Management Library[5] *(TASB login required)*.

Scope of Work

Numbered updates involve timely monitoring of statutory sources and regulations, comprehensive review of affected policies, and revisions that are both substantive and related to format, to ensure the legally referenced policies reflect current laws and regulations.

Legal policies are drafted and revised by TASB Policy and Legal Services, including attorneys who spend many hours monitoring, researching, analyzing, and drafting. Update 124 took more than 200 legal hours to complete. At a conservative cost of $250 per hour, this legal work provides an approximate value of $50,000.

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

Legal policies:

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

Local policies:

- Require close attention by the administration and the board
- Reflect the practices of the district and the intentions of the board
- Are changed only by board action (adopt, revise, or repeal)

Keep Your Administrative Regulations Current

Regulations Resource Manual[6] Update 70, which includes revisions to model regulations and forms corresponding with Update 124, is available through the Governance and Management Library (*TASB login required*).

Inspect your district's administrative procedures and documents — including exhibits, regulations, handbooks, and guides — that may be affected by Update 124 policy changes.

If you need to make changes to the regulations or exhibits contained in your board policy manual, please notify your policy consultant.

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

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[1] Policy Online: https://pol.tasb.org/
[2] Policy Consultant contact information: https://pol.tasb.org/Member/PolicyConsultant/Details
[3] Local Manual Updates: https://pol.tasb.org/Member/LocalManualUpdates
[4] *The Administrator's Guide to Policy Management*: https://pol.tasb.org/Member/Collections/Details?id=10
[5] Governance and Management Library: https://pol.tasb.org/Member/Collections
[6] *TASB Regulations Resource Manual*: https://pol.tasb.org/Member/Collections/Details?id=21

Instruction Sheet

TASB Localized Policy Manual Update 124

Alief ISD

Code	Type	Action To Be Taken	Note
AIC	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
CAA	(LOCAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CDA	(LOCAL)	Replace policy	Revised policy
CFA	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CKEA	(LEGAL)	Replace policy	Revised policy
CKEB	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
COA	(LEGAL)	Replace policy	Revised policy
COB	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CQC	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
CY	(LOCAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DAA	(LEGAL)	Replace policy	Revised policy
DAB	(LEGAL)	DELETE policy	See explanatory note
DBB	(LEGAL)	Replace policy	Revised policy
DECA	(LEGAL)	Replace policy	Revised policy
DECB	(LEGAL)	Replace policy	Revised policy
DG	(LEGAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
DI	(LEGAL)	Replace policy	Revised policy
DIA	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
EC	(LEGAL)	Replace policy	Revised policy
EFB	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHB	(LEGAL)	Replace policy	Revised policy
EHB	(LOCAL)	Replace policy	Revised policy

Alief ISD

Code	Type	Action To Be Taken	Note
EHBA	(LEGAL)	Replace policy	Revised policy
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAC	(LEGAL)	Replace policy	Revised policy
EHBAD	(LEGAL)	Replace policy	Revised policy
EHBAE	(LEGAL)	Replace policy	Revised policy
EHBB	(LEGAL)	Replace policy	Revised policy
EHBB	(LOCAL)	Replace policy	Revised policy
EHBCA	(LEGAL)	Replace policy	Revised policy
EHBG	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EIE	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
ELA	(LEGAL)	Replace policy	Revised policy
FFB	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFG	(LOCAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
FNA	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy
GA	(LEGAL)	Replace policy	Revised policy
GKA	(LOCAL)	Replace policy	Revised policy
GRB	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 124

Alief ISD

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

At Alternative Management, new text has been included due to changes to the Administrative Code, which became effective September 10, 2024. At Training of Board of Managers, language has been added relating to training requirements for board members who are appointed to join a board of managers. New rules effective on September 18, 2024, regarding Special Program Performance Determination and cyclical monitoring have also been included. In addition, adjustments to margin notes have been made elsewhere in the policy.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

Language has been added at Compliance Monitoring Activities due to Administrative Code changes effective September 18, 2024. The new section at Supervision Under IDEA reflects recent amendments from the Administrative Code that outline TEA's procedures for investigating and issuing findings related to violations of the Individuals with Disabilities Education Act (IDEA).

CAA(LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS

Recommended revisions to this local policy at Federal Awards Disclosure are to align text with updated rules regarding federal grants found in the Code of Federal Regulations. This guidance became effective October 1, 2024, and is reflected in CBB(LEGAL). The phrase "or designee" is recommended for deletion throughout the policy, except in places where the designation of another individual could be in place of the superintendent or board president and not just the superintendent as is the case in most other policies.

Please note: The district's locally developed text at False Claims Act has been updated with the current hotline phone number for the Office of Inspector General. Please contact your policy consultant if you have any questions.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Extensive revisions and additions have been made to this legally referenced policy in light of updated rules about federal grants found in the Code of Federal Regulations, effective October 1, 2024.

CDA(LOCAL) OTHER REVENUES: INVESTMENTS

The section on Sellers of Investments is recommended for revision to specify that representatives with distributors of investment pools must be registered with the Texas State Securities Board, have membership in the Securities Investor Protection Corporation, and be in good standing with the Financial Industry Regulatory Authority. Distributors of investment pools must also be registered in good standing with the Municipal Securities Rulemaking Board.

Please note: The district's locally developed text throughout the policy remains unchanged.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

Alief ISD

CFA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

TEA's Financial Accountability System Resource Guide has been updated to version 19, and those updates were adopted by reference in the Administrative Code effective March 31, 2024. The guide's version number has been updated at Account System, Financial Accountability System Resource Guide.

CFC(LEGAL) ACCOUNTING: AUDITS

TEA's Financial Accountability System Resource Guide has been updated to version 19, and those updates were adopted by reference in the Administrative Code effective March 31, 2024. The guide's version number has been updated at Financial Accountability System Resource Guide. A reference to material in the Administrative Code has been included in the Financial Accountability Rating System (School FIRST) section of this policy.

CH(LEGAL) PURCHASING AND ACQUISITION

General provisions relating to interlocal contracts have been moved to GRB(LEGAL). Language specific to interlocal contracts used for purchasing remains in this legally referenced policy. A note has been added to assist readers in accessing additional provisions related to interlocal agreements.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

A section on Medical and Psychological Exams has been added under Required Policies due to policy adoption requirements found in Senate Bill 1445 (88th Regular Session). The Texas Commission on Law Enforcement (TCOLE) has created a model policy that police departments (not the school board) must adopt. The TCOLE model policy was made available in May 2024 with a September 1, 2024, deadline for law enforcement agencies to submit their policies.

CKEB(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

A new section on Psychological Fitness includes the requirements and processes outlined in Administrative Code rules to conform with changes to the Occupations Code made by Senate Bill 1445 (88th Regular Session). The new rules require TCOLE to adopt standards and procedures for the psychological examination of school marshal applicants, school marshal licensees, and school marshal licensees for whom there is reason to believe a new examination is necessary to ensure the individuals are able to perform the duties for which the school marshal license is required. There is also a clarification of the reporting requirements for school marshal appointing entities. A new reporting responsibility relating to psychological fitness has been included at District Responsibilities, and a new section at Fit for Duty Review has been added to reflect the new requirements from TCOLE.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

The revisions in this legally referenced policy reflect changes to federal rules related to child nutrition programs that became effective July 1, 2024.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

Substantial additions have been made at Conflicts of Interest to reflect rule amendments that became effective on October 1, 2024. A new section on Procurement Training has been added to comply with an addition to the Code of Federal Regulations, effective July 1, 2024.

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COB(LEGAL) FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

Revisions to this policy reflect amendments to federal rules, effective July 1, 2024, changing terminology from "meal supplements" to "afterschool snacks." At Community Eligibility Provision, the minimum identified student percentage has changed from 40 to 25 based on an amended rule effective October 26, 2023. This change will give states and schools more flexibility to offer meals to all enrolled students at no cost when financially viable. Reference links have also been updated.

Please note: If your district is participating in the Community Eligibility Provision or Special Assistance Provision 2 program, please review your COB(LOCAL). If the policy is missing language to address the program in place in your district, please contact your policy consultant.

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

The citation at item 48 under Other Required Internet Postings has been updated based on amendments to the Administrative Code.

CQC(LEGAL) TECHNOLOGY RESOURCES: EQUIPMENT

Under Transfer of Equipment to Students, a new subsection on Standards has been added based on guidance recently developed by TEA as required by House Bill 18 (88th Regular Session). The standards provide guidance to districts on what electronic devices and software applications are permissible for use in the district.

CV(LEGAL) FACILITIES CONSTRUCTION

A Note has been added on page 11 to direct readers to other policies related to interlocal contracts generally and interlocal contracts for purchasing good and services, based on organization of those provisions at different codes.

CY(LOCAL) INTELLECTUAL PROPERTY

Revisions are recommended throughout this local policy to clarify the circumstances under which the district's intellectual property may be used and where ownership of intellectual property lies when material is created by a district employee. Other recommended revisions clarify how district employees may use other copyrighted material, including copyrighted material used for performances and displays in instruction.

D(LEGAL) PERSONNEL

Provisions on genetic nondiscrimination, previously at DAB, have been moved to DAA, and policy DAB has been deleted. The D section table of contents has been revised to reflect that change.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

Changes have been made to comport with the new federal Pregnant Workers Fairness Act (PWFA) regulations, effective June 18, 2024.

Because the legal framework is being revised in light of the PWFA, we have taken the opportunity to significantly streamline content on employee nondiscrimination. Provisions regarding employee nondiscrimination were previously divided between DAA(LEGAL), addressing nondiscrimination in hiring and ending employment, and DIA(LEGAL), addressing nondiscrimination in terms, conditions, and privileges of employment. In order to minimize duplication of language and simplify the legally referenced materials, provisions regarding employment nondiscrimination have been moved to this code. Provisions relating to the

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Genetic Information Nondiscrimination Act (GINA) have also been moved to this legally referenced policy from DAB(LEGAL) to consolidate all nondiscrimination laws into one location.

DAB(LEGAL) EMPLOYMENT OBJECTIVES: GENETIC NONDISCRIMINATION

Provisions on genetic nondiscrimination have been relocated to DAA(LEGAL) for clarity and continuity, and policy DAB has been deleted. All employment-related nondiscrimination language is now consolidated into DAA(LEGAL).

DBB(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

The policy cross-reference at Genetic Information has been updated to DAA to conform with the recoding of the provision there.

DECA(LEGAL) LEAVES AND ABSENCES: FAMILY AND MEDICAL LEAVE

Cross-references to DAB regarding genetic nondiscrimination have been updated to DAA throughout to conform with provisions recoded at this update.

DECB(LEGAL) LEAVES AND ABSENCES: MILITARY LEAVE

Updated provisions have been included at Federal Military Leave to comport with the Civilian Reservist Emergency Workforce Act of 2022.

DG(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

A new section on Voting reflects existing provisions from the Election Code related to allowing employees time off to vote. This addition was suggested by a member of the Texas Council of School Attorneys, and we agreed it would be a helpful legal reference.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

The provisions addressing tobacco and e-cigarettes are recommended for revision to include nicotine products regardless of whether the product contains tobacco. This language aligns with the language included in the Model Employee Handbook.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

DI(LEGAL) EMPLOYEE WELFARE

Revisions at Reporting Workplace Violence reflect amended Administrative Code rules, which became effective January 8, 2024.

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

To eliminate duplication and reduce confusion, this legally referenced policy has been substantially revised to recode employee nondiscrimination provisions to policy DAA(LEGAL).

DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

Changes to the subsection on Gifted and Talented Education reflect Administrative Code amendments that became effective September 1, 2024.

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EC(LEGAL) SCHOOL DAY

At Pledges of Allegiance, a cross-reference has been added to policy FNA for additional information on patriotic observances.

EFB(LEGAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

The Note at the beginning of this legally referenced policy has been deleted, as all deadlines to appeal in the *Book People, Inc. v. Wong* case have passed and the injunction put in place by the Fifth Circuit Court of Appeals is now permanent. Other citations to the case have been amended accordingly. Also, the statutory definition of “obscene” has been included in this policy as a legal reference.

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

The Education Code requirement to obtain written consent of a student’s parent before the student may be provided with human sexuality instruction expired on August 1, 2024. The expired subsection has been removed from this legally referenced policy. TEA has issued guidance about this change. Districts are encouraged to clarify local expectations for parental consent regarding human sexuality instruction in their local student handbook.

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

Several revisions have been made to the Middle School Advanced Math Program section based on new Administrative Code rules, effective July 8, 2024. In the CPR and AED Instruction section, revisions regarding the applicability of the requirements have been made based on rule changes effective August 1, 2024.

EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

This policy includes substantial revisions, most of which are the result of amended Administrative Code rules effective June 30, 2024. At Parental Notice of Assistance for Learning Difficulties, a phrase has been added to item 3e to clarify the content in the cited Education Code provision. A new section with Definitions now found in the Administrative Code has been added. The provisions at Board Action Required and Screening, Testing, and Identification have been updated. Extensive edits at Parent Education are due to revisions from the Administrative Code. Changes include a new paragraph on Instruction and deletion of text related to a dyslexia reading program.

EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

Recommended revisions to this local policy on Special Programs reflect updated Administrative Code rules addressing dyslexia and related disorders, specifically inclusion of references to the *Dyslexia Handbook* and admission, review, and dismissal (ARD) committee decisions.

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

Extensive revisions to this legally referenced policy have been made as a result of Administrative Code revisions, effective August 22, 2024. A section on Policies, Procedures, Programs, and Practices has been added, as have provisions addressing Interventions and Sanctions to identify potential consequences for IDEA violations. The paragraph addressing discipline has been removed as the text is no longer in the Administrative Code. The text addressing Instructional Arrangements and Settings includes revisions throughout all subsections, and revisions have also been made to the provisions regarding Other Program Options, Contracts for Services, and Instructional Day. A reference to the applicable Administrative Code provision has been added at Extended School Year Services.

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EHBAA(LEGAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

Substantial additions and amendments throughout this legally referenced policy reflect changes to the Administrative Code, effective July 30, 2024. A Student Communication section regarding student evaluation for special education has also been added. The Eligibility and Reevaluations section now includes a Birth Through Age Two subsection to conform to Administrative Code rules.

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

Changes to the Administrative Code resulted in updates throughout this legally referenced policy. Details related to the responsibilities of the admission, review, and dismissal committee have been added, and a provision relating to dyslexia is included in the section about Committee Members. Parent Participation includes revisions that became effective July 30, 2024, and a provision on Content of the IEP has been added. Revisions at Supplemental Special Education Services became effective May 28, 2024. Dyslexia and autism components have been amended, along with the Visual Impairment or Hard of Hearing section. Failure to Reach Agreement has also been amended to increase clarity around requirements. Finally, a section addressing the Eligibility Folder has been added and Teacher Access to IEP amended.

EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

Residential Facilities has been revised in accordance with Administrative Code amendments, effective on August 22, 2024. A reference to the Administrative Code at District Placements points readers to an amended rule regarding the district's ability to contract with a nonpublic or nondistrict operated day program provider. An update at School for the Blind and Visually Impaired and School for the Deaf reflects revisions to the Administrative Code effective August 22, 2024.

EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

Significant revisions at Individual Transition Planning are due to Administrative Code changes effective July 30, 2024. A new subsection on the Transition and Employment Designee required of each district has been added in accordance with rule changes that became effective August 22, 2024.

EHBAE(LEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS

The Prior Notice and Consent section includes provisions to align with revisions to the Administrative Code, effective July 30, 2024. Substantial revisions at Transfer of Rights to Adult Students are to clarify requirements in the Administrative Code.

EHBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Administrative Code rules regarding gifted and talented students were amended to be effective September 1, 2024. Changes have been made throughout this legally referenced policy to align with the new rules and to clarify requirements.

EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Changes to the Texas State Plan for the Education of Gifted/Talented Students, approved by the State Board of Education in September 2024, prompted updates in terminology throughout this local policy. Recommended revisions at Funding are to align the text with requirements in the Education Code and in Administrative Code rules.

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EHBCA(LEGAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION

Revisions at Accelerated Instruction reflect changes to the Administrative Code, effective May 22, 2024. A new section at Significantly Below Satisfactory has been included in accordance with Administrative Code revisions. Sections on Repeating a High School Course and Ratio Waiver have also been added due to the revised regulatory guidance.

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Administrative Code revisions that became effective June 9, 2024, prompted several changes to this legally referenced policy. The subsection relating to Eligibility for high-quality prekindergarten programs has been amended. The eligibility requirements are the same as those listed earlier in the policy for tuition-free prekindergarten. Rule changes also required other revisions throughout the policy, including to Teacher Requirements and Supervisor Requirements.

EHDD(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

A rewriting of Administrative Code rules, effective May 16, 2024, led to substantial revisions at Dual Credit Programs and at Dual Credit Agreement. The Administrative Code was amended in a way that allowed deletion of the Education Code requirements regarding agreements, as all requirements are now consolidated in one list at Dual Credit Agreement. Provisions addressing the FAST Program have also been amended to reflect revisions to Administrative Code rules.

EI(LEGAL) ACADEMIC ACHIEVEMENT

Language relating to instruction in the use of an automated external defibrillators (AED) has been added to the subsection on CPR, pursuant to revisions in the Administrative Code, effective August 1, 2024.

EIE(LEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

At Parental Option to Retain, a subsection on Passing Grades has been added to clarify the legal standard for assignment of grades when a course is retaken after a passing grade.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

A reference has been included in this policy pointing to the Administrative Code rule for further details relating to specific endorsements, including the STEM endorsement, that became effective August 1, 2024. Provisions addressing Physical Education and Other Physical Education Activities have been clarified to align with rule amendments effective August 1, 2024.

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

Revisions throughout the policy reflect amended Administrative Code rules, effective September 24, 2024, and the provisions have been reorganized for clarity and ease of reading.

ELA(LEGAL) CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

An expired Administrative Code provision addressing partial year as it relates to charter partnerships has been deleted. Administrative Code changes, effective March 26, 2024, also resulted in the removal of a provision regarding appeals of a decision made by TEA to deny, remove, or return an eligibility approval request.

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FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

The subsection previously titled Threat Assessment Team has been revised to include "Safe and Supportive Schools" to align with terminology used by TEA.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

The Definitions section of this legally referenced policy has been revised to better define Child Abuse and Neglect by including detailed language from the Family Code.

FFG(LOCAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Under Reporting Child Abuse and Neglect, a new subsection on Oral Reports is recommended to comply with revisions to the Family Code and Administrative Code. Recommended revisions at Making a Report are to clarify new requirements in the Education Code stating that reporting individuals must provide their name and contact information when making a report. The policy still states that the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law.

FFH(LEGAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been updated to remove an editor's note that is no longer applicable since a Texas federal court enjoined the Office for Civil Rights from enforcing this interpretation of the Title IX rules in June 2024. Policy Service issued a Policy Alert notifying districts of this change in July 2024.

FM(LEGAL) STUDENT ACTIVITIES

In the UIL Allotment section, a robust Definitions section has been added in accordance with revisions to Administrative Code rules, effective on August 4, 2024.

FNA(LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION

Under Patriotic Observances, a reference to policy EC has been added to provide additional information regarding pledge of allegiance requirements.

FOF(LEGAL) STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

A paragraph regarding the discipline of students with disabilities been removed from the Students Receiving Special Education Services section due to amendments to the Administrative Code that became effective July 30, 2024.

GA(LEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

New provisions addressing Web Content and Mobile App Accessibility have been added based on revisions found in the Code of Federal Regulations.

GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Recommended language prohibiting electronic vaporizing devices has been added to the Tobacco and E-Cigarettes section of this local policy.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

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GRB(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS

Revisions to this legally refenced policy are based on the requirements of the Interlocal Cooperation Act. Details that were formerly in CH(LEGAL) have been recoded here to ensure all general interlocal agreement requirements are consolidated into one location. A citation to CNA(LEGAL) has been added to point readers to additional information relating to the operation of a transportation system.

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Interventions and Sanctions for School Districts

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

Grounds for Commissioner Action

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

Education Code 39A.001

Authorized Commissioner Actions

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

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

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

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

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

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

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of Accreditation

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

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

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

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

Education Code 39A.005

Intervention to Improve High School Completion Rate

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

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

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

Education Code 39A.007

Interventions after Certain D Ratings

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

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

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

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

Education Code 39A.118

Certain D-Rating Improvement Plans

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

The district or campus shall:

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

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

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

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

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

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

19 TAC 97.1061(b)

Management of a Campus

Actions Based on Campus Performance

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

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

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

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

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

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

Education Code 39A.051

District Action Required

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

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

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

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

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

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

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

19 TAC 97.1061(a), (d), (f)-(j)

Campus Intervention Team

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

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

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

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

19 TAC 97.1063(b)-(c)

On-Site Needs Assessment

A campus intervention team shall:

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

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

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

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

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

Recommendations

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

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

Education Code 39A.054

Targeted Improvement Plan

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

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

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

Notice of Public Meeting

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

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspa-

pers or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(e)(3)(A)(ii)*

Public Hearing

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

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

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

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

Education Code 39A.057

Submission to Commissioner

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

Executing Plan

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

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

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

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

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

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

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

Education Code 39A.060

Local Improvement Plan

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

A local improvement plan must be presented to the board.

Education Code 39A.065(a)-(b)

Campus Planning and Site-Based Decision-Making

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

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

Education Code 39A.061

Submission of Campus Improvement Plan

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

Compliance Through Federal Accountability

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

Campus Turnaround Plan

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

Updated Targeted Improvement Plan

A campus intervention team shall assist the campus in:

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

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

Education Code 39A.101

Public Notice

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

Submission and Approval

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

Implementation, Modification, and Withdrawal

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

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

Change in Circumstances

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

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

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

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

Commissioner Authority

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

19 TAC 97.1064(j)-(m)

Required Contents

A campus turnaround plan must include:

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

c. Academic credit and promotion criteria; and

d. Programs to serve special student populations;

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

a. The term of the charter; and

b. Information on the implementation of the charter;

4. Written comments from:

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

b. Parents; and

c. Teachers at the campus;

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

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

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

Implementing Entities

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

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

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

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

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

Education Code 39A.102, .108

Effective Date

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

Commissioner Approval or Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

Preparation

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

Assistance and Partnerships

A district may:

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

Education Code 39A.109

Modification in Campus Turnaround Plan

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

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

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

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

Education Code 39A.110

Continued Unacceptable Performance Rating

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

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

Education Code 39A.111

Parent Petition for Action

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

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

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

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

Repurposing of Closed Campus

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

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

Student Enrollment and Assignment

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

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

Noncontracted Repurposed Campus

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

Enrollment Provision in Contract

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

Education Code 39A.113; 19 TAC 97.1066

Targeted Technical Assistance

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

Alternative Management

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

The superintendent, upon appointment, immediately assumes all powers, duties, rights, and responsibilities of the superintendent of the district to which the superintendent is appointed.*19 TAC 97.1073(f)*

Solicitation of Proposals

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

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

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

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

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

Education Code 39A.151

Qualifications of Managing Entity

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

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

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

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

Education Code 39A.152

Contract with Managing Entity

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

The management contract must include:

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

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

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

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

Education Code 39A.153; 19 TAC 97.1067

Extension of Management Contract

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

Evaluation of Managing Entity

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

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

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

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

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

1. Terminate the contract; and

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

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

Education Code 39A.155

Cancellation of Management Contract

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

Return of Management to District

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

Applicability of Accountability Provisions

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

Funding

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

Open Meetings and Public Information

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

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

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

Education Code 39A.160

Board of Managers

General Powers and Duties

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, a board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner’s order, including amending the district's budget, reassigning staff, or relocating aca-

demic programs. The commissioner may adopt rules necessary to implement this subsection.

Education Code 39A.201

Board of Managers of District

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, if the commissioner appoints a board of managers to govern a district:

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

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

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

Education Code 39A.202

Composition of Board of Managers

A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*

Training of Board of Managers

The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205*

The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(i)*

A board member appointed under 19 Administrative Code 97.1073(h)(4) must complete the training required in this provision prior to or within 10 days of the appointment. Failure to do so may result in the removal of the board of trustees member from the board of managers. *19 TAC 97.1073(j)*

Compensation

The commissioner may authorize payment of a board of managers from TEA funds.

A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner.

Education Code 39A.206

Replacement of Member of Board of Managers

The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*

Expiration of Appointment

A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees.

If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

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

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

Education Code 39A.208; 19 TAC 97.1073

Removal of Board of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

Challenge of Intervention or Sanction

Review of Sanctions by SOAH

A district must appeal under this provision if the district intends to challenge the commissioner's decision to close the district or a campus, pursue alternative management of a campus, appoint a board of managers to the district, or appoint a conservator or management team to the district.

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

Notwithstanding other law:

1. The State Office of Administrative Hearings (SOAH) shall conduct an expedited review of a challenge;
2. The administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;
3. The decision of the administrative law judge is final and may not be appealed; and
4. The decision of the administrative law judge may set an effective date for an action under this section.

Education Code 39A.301

Appeals

If an order, decision, or determination is described as final in Education Code Chapter 7, 11, 12, 39, or 39A, an interlocutory or intermediate order, decision, report, or determination made or reached before the final order, decision, or determination may be appealed only as specifically authorized by the Education Code or a rule adopted under the Education Code. *Education Code 5.003*

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

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)-(b)

Intervention Programs

ACE Turnaround Plan

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must meet the requirements of Education Code 39A.105(b). *Education Code 39A.105(b)-(c)*

Resource Campus

An eligible campus may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students. To apply to be designated as a resource campus, the campus must have received an overall performance rating of F for four years over a 10-year period of time. *Education Code 29.934(a)-(b)*

Strong Foundations Intervention

Notwithstanding when a D rating is considered acceptable or any other law, the commissioner may require a district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 at a campus that:

1. Includes students at any grade level from prekindergarten through fifth grade;

2. Is assigned an overall performance rating of D or F; and

3. Is in the bottom five percent of campuses in the state based on student performance on the grade three state reading assessment during the previous school year, as determined by the commissioner.

Education Code 39A.064(a)

Miscellaneous Provisions

Acquisition of Professional Services

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

1. Select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or

2. Provide for or participate in the appropriate training of district staff or board members in the case of a district, or campus staff, in the case of a campus.

Education Code 39A.902

Costs Paid by District

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

1. Pay the costs using amounts withheld from any funds to which the district is otherwise entitled; or

2. Recover the amount of the costs in the manner provided for recovery of an over allocation of state funds under Education Code 48.272.

Education Code 39A.903

Immunity from Civil Liability

An employee, volunteer, or contractor acting on behalf of the commissioner, or a member of a board of managers appointed by the commissioner, is immune from civil liability to the same extent as a professional employee of a district under Education Code 22.051. *Education Code 39A.904*

Campus Name Change

In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of the campus be changed. *Education Code 39A.905*

Special Program Performance Determination

The commissioner shall assign districts an annual determination level based on performance levels of certain special populations student groups under 19 Administrative Code 97.1001 [see AIA] according to the criteria and requirements in 19 Administrative Code 97.1071(e)-(g).

In addition to determination levels, the commissioner shall develop a system of cyclical monitoring to ensure every district participates in general supervision activities. Based on a district's assigned determination level, as part of its cyclical monitoring process, or as part of compliance monitoring activities, a district may be required to implement and/or participate in:

1. Focused self-analysis of district data and program effectiveness;
2. Focused remote and/or on-site review;
3. Required stakeholder engagement;
4. Focused compliance reviews;
5. Strategic support and continuous improvement planning; and/or
6. Corrective action plan development.

The commissioner shall notify in writing each district identified for review under this provision as a result of assigned determination level or cyclical selection prior to requiring a district to implement or participate in any activities included in items 1-6 above.

Actions taken under this provision are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1001 and 74.28 and Education Code sections 28.006, 29.062 and 38.003 do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

Actions taken under this provision do not preclude or substitute for other responses to or consequences of program ineffectiveness or noncompliance identified by TEA, such as those described in 19 Administrative Code 89.1076 (relating to Interventions and Sanctions) and expanded oversight, including, but not limited to, frequent follow-up contacts with the district, submission of documen-

tation verifying implementation of intervention activities and/or an improvement plan, and submission of district/program data.

19 TAC 97.1071(e)-(k)

[See AIE for information regarding TEA's process for investigating and issuing findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, and other supervision and monitoring activities under 19 Administrative Code 97.1071(a)-(b).]

Intervention Pause

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

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

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

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

19 TAC 97.1062

Failure to Submit Emergency Operations Plan

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

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

Student Board Member

Notwithstanding Education Code 11.051(b) (number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. A student trustee may not participate in a closed session of a board meeting [see BEC] in which any issue related to a personnel matter is considered. *Education Code 11.0511(a)-(f)*

Special Investigations

The commissioner may authorize a special investigation:

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

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

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

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

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

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

18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

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

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

Commissioner Action

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

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

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

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

Education Code 39.003(d)

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

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

Education Code 39.003(e)

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

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

Monitoring Reviews

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

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

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

Education Code 7.028

Compliance Monitoring Activities

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

Under IDEA, below], and review of program implementation and effectiveness within certain special populations of students.

Activities may include:

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

2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.003 and 39.004.

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

19 TAC 97.1071(b)-(d)

Notice

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

Conducting the Review

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

Converting to a Special Investigation

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

Improvements

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

Appeals

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

Compliance Investigation

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

Supervision Under IDEA

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

Definitions

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

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

Credibility Determination

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

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

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

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

Process

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

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

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

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

Intervention and Sanction	TEA may apply any intervention or sanction within its authority if noncompliance or a violation is substantiated, including those described in 19 Administrative Code 89.1076 [see AIC]. *19 TAC 89.1071(l)*

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  - for Board members — BBF
  - for employees — DH
- Financial conflicts of interest:
  - for public officials — BBFA
  - for all employees — DBD
  - for vendors — CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

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Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Knowingly submitting a false or fraudulent claim to obtain payment from the United States government.
13. Any other dishonest act regarding the finances of the District.
14. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The Superintendent shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or a designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards Disclosure

In connection with federal awards, the District shall promptly disclose in writing whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in federal law, including the Civil False Claims Act. This provision applies to any activities or subawards of a federal award. [See CBB]

False Claims Act

The Superintendent shall ensure that employees, vendors, and contractors with any responsibilities for services to be reimbursed through Medicaid are informed of the False Claims Act and the District's prohibition on knowingly submitting a false or fraudulent

claim for payment, federal administrative remedies for false claims and statements, and state laws on false claims and statements.

The District's procedures shall include information regarding reporting suspected violations as provided at Reports, above, as well as reporting to the U.S. Department of State's Office of Inspector General hotline at 202-647-3320.

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

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

Retirement and Insurance Contributions

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

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

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

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

Block Grant Funds

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

Education Department General Administrative Regulations (EDGAR)

Note: For information regarding procurement under state law, see the CH policy series regarding Purchasing and Acquisition and the CV series regarding Facilities Construction.

For additional legal requirements applicable to school nutrition procurement, see COA.

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

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

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

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards. *2 C.F.R.200.100(a)(1)*

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

General Compliance

Throughout 2 C.F.R. Part 200, Subparts A through F, the word "must" indicates a requirement. The words "should" or "may" indicate a recommended approach and permit discretion. *2 C.F.R. 200.101(a)(3)*

Mandatory Disclosures

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

A district must promptly disclose whenever, in connection with the federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the federal agency, the agency's Office of Inspector General, and pass-through entity (if applicable). Districts are required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance). *2 C.F.R. 200.113*

Procurement Standards

Documented Procurement Procedures

The district must maintain and use documented procedures for procurement transactions under a federal award or subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with state, local, and tribal laws and regulations and the standards identified in 2 C.F.R. 200.317 through 200.327. [See also 2 C.F.R. 200.501 (Audit Requirements)]

Oversight of Contractors

The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Conflicts of Interest

The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. An employee, officer, agent, and board member of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. However, districts may set standards for situations where the financial interest is not substantial or a gift is an unsolicited item of nominal value. The district's standards of conduct must also provide for disciplinary actions to be applied for violations by its employees, officers, agents, or board members. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]

Procurement Records

The district must maintain records sufficient to detail the history of each procurement transaction. These records must include the rationale for the procurement method, contract type selection, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below]

2 C.F.R. 200.318(a), (b), (c)(1), (i)

[See 2 C.F.R. 200.334 for record retention requirements.]

Financial Management

The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by the terms and conditions; and tracking expenditures to establish that funds have been used in accordance with federal statutes, regulations, and the

terms and conditions of the federal award. [See 2 C.F.R. 200.450 (Lobbying)]

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

2 C.F.R. 200.302

Internal Controls

The district must:

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

2 C.F.R. 200.303

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

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

3. Compliance with applicable laws and regulations.

2 C.F.R. 200.1

Competition

All procurement transactions under the federal award must be conducted in a manner that provides full and open competition and is consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing on those procurements.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d).

The district must ensure that all prequalified lists of persons, firms, or products used in procurement transactions are current and include enough qualified sources to ensure maximum open competition. When establishing or amending prequalified lists, the district must consider objective factors that evaluate price and cost to maximize competition. The district must not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the district, 2 C.F.R. Part 200, Subpart D does not prohibit districts from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. Subpart D also does not prohibit districts from making inquiries of bidders about these subjects and assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable federal statutes and regulations, and the terms and conditions of the federal award.

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

2 C.F.R. 200.319

Procurement Methods

For informal procurement methods (for micro-purchases and simplified acquisitions), formal procurement methods (through sealed bids or proposals), and noncompetitive procurement methods, the district must maintain and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and

200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition). *2 C.F. R. 200.320*

Informal Procurement Methods for Small Purchases

These procurement methods expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under the federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1. The district may also establish a lower threshold. Informal procurement methods include:

Micro-Purchases — Definitions

"Micro-purchase" means an individual procurement transaction for supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases using informal procurement methods as set forth in 2 C.F.R. 200.320.

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

2 C.F.R. 200.1

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

Micro-Purchase Distribution

The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold. [See the definition of "micro-purchase" above.] To the extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. *2 C.F.R. 200.320(a)(1)(i)*

Micro-Purchase Awards

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price reasonable based on research, experience, purchase history, or other information; and maintains documents to support its conclusion. Purchase cards may be used as a method of payment for micro-purchases. *2 C.F.R. 200.320(a)(1)(ii)*

Micro-Purchase Thresholds

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

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

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

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

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

Micro-purchase thresholds higher than $50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request that includes the requirements in 2 C.F.R. 200.320(a)(1)(iv). The increased threshold is valid until any factor that was relied on in the establishment and rationale of the threshold changes. *2 C.F.R. 200.320(a)(1)(v)*

Simplified Acquisitions — Procedures

The aggregate dollar amount of the procurement transaction is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If simplified acquisition procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. *2 C.F.R. 200.320(a)(2)(i)*

Simplified Acquisitions — Thresholds

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures, which may be lower than, but must not exceed, the threshold established in the FAR. *2 C.F.R. 200.1, .320(a)(2)(ii)*

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

Formal Procurement Methods

Formal procurement methods are required when the value of the procurement transaction under a federal award exceeds the simplified acquisition threshold of the district. Formal procurement methods are competitive and require public notice. The following formal methods of procurement are used for procurement transactions above the simplified acquisition threshold determined by the district in accordance with 2 C.F.R.200.320(a)(2)(ii) [Simplified Acquisitions — Thresholds, above].

Sealed Bids

Sealed bids are a procurement method in which bids are publicly solicited through an invitation and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price. The sealed bids procurement method is preferred for procuring construction services.

For sealed bidding to be feasible, the following conditions should be present:

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

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them with sufficient response time prior to the date set for opening the bids. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. For local governments, the invitation for bids must be publicly advertised.
2. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids. For local governments, the bids must be opened publicly.
4. A firm-fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the

invitation for bids, factors such as discounts, transportation cost, and life-cycle costs must be considered in determining which bid is the lowest. Payment discounts must only be used to determine the low bid when the district determines they are a valid factor based on prior experience.

5. The district must document and provide a justification for all bids it rejects.

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

Proposals

Proposals are a procurement method used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. They are awarded in accordance with the following requirements:

1. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.

2. The district must have written procedures for conducting technical evaluations and making selections.

3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district considering price and other factors.

4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

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

Noncompetitive Procurement

There are specific circumstances in which the district may use a noncompetitive procurement method. The noncompetitive procurement method may only be used if one of the following circumstances applies;

1. The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;

2. The procurement transaction can only be fulfilled by a single source;

3. The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;

4. The district requests in writing to use a noncompetitive procurement method, and the federal agency or pass-through entity provides written approval; or

5. After soliciting several sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Procurement Arrangements Using Strategic Sourcing

When appropriate for the procurement or use of common or shared goods and services, districts are encouraged to enter into state and local intergovernmental agreements or inter-entity agreements for procurement transactions. These or similar procurement arrangements using strategic sourcing may foster greater economy and efficiency. Documented procurement actions of this type (using strategic sourcing, shared services, and other similar procurement arrangements) will meet the competition requirements of 2 C.F.R. Part 200. *2 C.F.R. 200.318(e)*

Small, Minority, Women's, and Veteran-Owned Businesses

When possible, the district should ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms (See U.S. Department of Labor's list) are considered as set forth below. Such consideration means:

1. These business types are included on solicitation lists;

2. These business types are solicited whenever they are deemed eligible as potential sources;

3. Dividing procurement transactions into separate procurements to permit maximum participation by these business types;

4. Establishing delivery schedules (for example, the percentage of an order to be delivered by a given date of each month) that encourage participation by these business types;

5. Utilizing organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring a contractor under a federal award to apply items 1 through 5 above to subcontracts.

2 C.F.R. 200.321

Domestic Preference

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

For purposes of this provision:

1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2 C.F.R. 200.322

Pre-procurement Review

When requested, the district must provide procurement documents (such as requests for proposals, invitations for bids, or independent cost estimates) to the federal agency or pass-through entity for pre-procurement review. The federal agency or pass-through entity may conduct a pre-procurement review when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;

2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition, or only one bid is expected to be received in response to a solicitation;

3. The procurement is expected to exceed the simplified acquisition threshold and specifies a "brand name" product;

4. The procurement is expected to exceed the simplified acquisition threshold, and sealed bid procurement is to be awarded to an entity other than the apparent low bidder; or

5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.325(b)

Contract Cost and Price

The district must perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, districts should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the district must make independent estimates before receiving bids or proposals.

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

The district must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

2 C.F.R. 200.324

Contract Provisions

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

Suspension and Debarment

Districts are subject to the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, as well as 2 C.F.R. Part 180. These regulations restrict making federal awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from receiving or participating in federal awards. *2 C.F.R. 200.214*

Remedies for Noncompliance

The federal agency or pass-through entity may implement specific conditions if the district fails to comply with the U.S. Constitution, federal statutes, regulations, or terms and conditions of the federal award. See 2 C.F.R. 200.208 for additional information on specific conditions. When the federal agency or pass-through entity determines that noncompliance cannot be remedied by imposing specific conditions, the federal agency or pass-through entity may take one or more of the following actions:

1. Temporarily withhold payments until the district takes corrective action.

2. Disallow costs for all or part of the activity associated with the noncompliance of the district.

3. Suspend or terminate the federal award in part or in its entirety.

4. Initiate suspension or debarment proceedings as authorized in 2 C.F.R. Part 180 and the federal agency's regulations, or for pass-through entities, recommend suspension or debarment proceedings be initiated by the federal agency.

5. Withhold further federal funds (new awards or continuation funding) for the project or program.

6. Pursue other legally available remedies.

2 C.F.R. 200.339

Travel Costs

Travel costs include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. These costs may be charged on an actual cost basis, on a per diem or mileage basis, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip. The method used must be consistent with those normally allowed in like circumstances in the district's other activities and in accordance with the district's established written policies.

In the absence of an established written policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), by the administrator of general services, or by the president (or their designee) pursuant to any provisions of such subchapter must apply to travel under federal awards [48 C.F.R. 31.205-46(a)].

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

Property Standards

Federally Owned Property

Title to federally owned property remains vested in the federal government. The district must submit an inventory listing of federally owned property in its custody to the federal agency or pass-through entity on an annual basis. The district must request disposition instructions from the federal agency of pass-through entity upon completion of the federal award or when the property is no longer needed.

Exempt property means property acquired under the federal award where the federal agency has chosen to vest title to the property to the district without further responsibility to the federal government. The federal agency may only exercise this option when permitted by federal statute and set forth in the terms and conditions of the

federal award. Absent statutory authority and specific terms and conditions of the federal award, the title to exempt property acquired under the federal award remains with the federal government.

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

Property Trust Relationship

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

Real Property

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

Except as otherwise provided by federal statutes or the federal agency, real property must be used for the originally authorized purpose as long as it is needed for that purpose. While the property is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests except as provided by the federal agency. Easements for utility, cable, and similar services that benefit the real property and are consistent with the authorized use are not considered an encumbrance.

When an appraisal of real property is required and obtained by the district, it must be conducted by an independent appraiser (for example, certified real property appraiser or General Services Administration representative) and certified by a responsible official of the district as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) except as provided in the implementing regulations at 49 C.F.R. Part 24, “Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally Assisted Programs.”

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

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

2. Sell the property and compensate the federal agency an amount determined under 2 C.F.R. 200.311(c)(2).

3. Transfer title to the federal agency or a third party designated/approved by the federal agency with the federal agency paying the district an amount determined under 2 C.F.R. 200.311(c)(3).

2 C.F.R. 200.311

Equipment

Title and Use

Title to equipment acquired under the federal award will vest upon acquisition in the district subject to the conditions of 2 C.F.R. 200.313. This title must be a conditional title unless a federal statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government (and the federal agency elects to do so). A conditional title means a clear title is withheld by the federal agency until conditions and requirements specified in the terms and conditions of a federal award have been fulfilled. Title for equipment vested in a district is subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. While the equipment is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests without the approval of the federal agency or pass-through entity.
3. Use and dispose of the property in accordance with the provisions below.

The district must use equipment for the project or program for which it was acquired and for as long as needed in accordance with 2 C.F.R. 200.313(c).

Regardless of whether equipment is acquired in part or in its entirety under the federal award, the district must manage equipment (including replacement equipment) utilizing procedures that meet the requirements of 2 C.F.R. 200.313(d).

Disposition

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

When equipment acquired under a federal award is no longer needed for the original project, program, or for other activities currently or previously supported by a federal agency, the district must request disposition instructions from the federal agency or pass-through entity if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in

	2 C.F.R. 200.313(e), in accordance with federal agency or pass-through entity disposition instructions. *2 C.F.R. 200.313*
Supplies	Title to supplies acquired under the federal award will vest upon acquisition in the district. When there is a residual inventory of unused supplies exceeding $10,000 in aggregate value at the end of the period of performance, and the supplies are not needed for any other federal award, the district may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The federal agency or pass-through entity is entitled to compensation in an amount calculated under 2 C.F.R. 200.314(a). *2 C.F.R. 200.314(a)*
Intangible Property	Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that intangible property for the originally authorized purpose and must not encumber the property without the approval of the federal agency or pass-through entity. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). *2 C.F.R. 200.315(a)*
Foreign Telecommunications Equipment	Recipients and subrecipients are prohibited from obligating or expending loan or grant funds in violation of 2 C.F.R. 200.216(a).
Direct Grant Programs	The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED, except as specified in the regulations for direct formula grant programs, as referenced in 34 C.F.R. 75.1(c)(3). *34 C.F.R. 75.1*
State-Administered Programs	The regulations in 34 C.F.R. Part 76 apply to each state-administered formula grant program of the ED. *34 C.F.R. 76.1*
General Education Provision Act	The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the ED and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

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[1] TEA EDGAR Materials and Resources: https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/
[2] ED EDGAR website: https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html
[3] ED Uniform Guidance website: https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html

Scope

This policy applies to all financial assets of the District as reported in the District's comprehensive annual financial report and includes the following funds:

1. General funds.
2. Special revenue funds.
3. Debt service fund.
4. Capital project funds.
5. Proprietary funds.
6. Custodial funds.
7. Any other funds as created by the District.

Objectives

The primary objectives, in priority order, of the District's investment activities shall be:

1. The main goal of the investment policy shall be to ensure the preservation and safety of principal, liquidity, as well as to maximize financial return within current market conditions in accordance with this policy. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio and offsets, during a 12-month period, any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.
2. The investment portfolio shall remain sufficiently liquid to meet all operating requirements which might be reasonably anticipated.
3. The District's investment portfolio shall be designed to earn the highest possible rates of return on investments consistent with the foregoing objectives and priorities.
4. Investments shall be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions.

Investment Authority

The assistant superintendent of finance shall serve as the investment officer of the District. The investment officer, after consultation with the investment committee, shall recommend appropriate legally authorized and adequately secured investments, and shall direct investment of District funds in accordance with the District's approved written investment policy and generally accepted accounting procedures. The investment officer shall be responsible

for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. In addition, the investment officer shall appoint the investment committee, which shall consist of at least three full-time employees of the District.

Approved Investment Instruments

From those investments authorized by law and described further in CDA(LEGAL) under Authorized Investments, the Board shall permit investment of District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of the U.S. or Texas or its agencies and instrumentalities and political subdivisions including collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. Banker's acceptances as permitted by Government Code 2256.012.
5. Commercial paper as permitted by Government Code 2256.013.
6. Money market mutual funds as permitted by Government Code 2256.014.
7. Public funds investment pools as permitted by Government Code 2256.016-2256.019.

Investment Management

In accordance with Government Code 2256.0059(b)(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

Liquidity and Maturity

To the extent possible, the District will attempt to match its investments with anticipated cash flow requirements. The dollar average weighted maturity of the portfolio as a whole will not exceed 547 days (18 months). Funds are normally invested as follows and are considered suitable to the financial requirements of the District:

1. Investments of less than 60 days shall be considered short term investments. Funds needed to meet daily or short-term operating requirements will usually be held in an investment

pool (TexPool, Logic, and LoneStar) with a maximum dollar weighted maturity of 180 days. These investment pools allow daily liquidation privileges. Interest rates change daily.

2. Investments between 60 days and one year shall be considered intermediate term investments. Treasuries, agencies, agency discount notes, and investment pools are the primary investment vehicle. Agency discount notes are preferred because of the ease with which they are traded, and their return is comparable to other agencies and usually greater than treasuries or investment pools. Investment pools are preferred when short term interest rates are low and there is no significant earning advantage in using other investment instruments.

3. Investments that are one year or longer shall be considered long term investments. Treasuries and agencies are the primary investment vehicle. Investments are laddered so that principal is returned in increments sufficient to meet anticipated operating and capital needs.

Funds/Strategies

Investments of the following fund categories shall be consistent with this policy and in accordance with the strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

General Funds

Investment strategies for general operating funds shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This shall be accomplished by purchasing quality securities that will complement each other in a laddered maturity structure.

Special Revenue Funds

Investment strategies for special revenue funds shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective shall be to create a portfolio structure that will experience minimal volatility during economic cycles. This shall be accomplished by purchasing quality securities that will complement each other in a laddered maturity structure.

Debt Service Fund

Investment strategies for the debt service fund shall have as its primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the

bond documents. Maturities longer than one year shall be authorized provided legal limits are not exceeded.

Capital Project Funds — Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. When the District has funds from bond proceeds, they shall be invested in accordance with provisions in the bond documents.

Custodial Funds — Investment strategies for custodial funds shall have as their primary objective preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Proprietary Funds — Investment strategies for proprietary funds shall have as their primary objective preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Safekeeping and Custody — All security transactions, except investment pools and mutual funds, entered into by the District shall be conducted on a delivery-versus-payment basis. Securities shall be held by a third-party custodian designated by the District and evidenced by safekeeping receipts in order to reduce custodial credit risk.

Sellers of Investments — Prior to handling investments on behalf of the District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law. [See Sellers of Investments, CDA(LEGAL)]

Representatives of brokers/dealers and representatives with distributors of investment pools shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA). Distributors of investment pools shall also be a registrant in good standing with the Municipal Securities Rulemaking Board (MSRB).

Soliciting Bids — All purchases of investments, with the exception of investments in pools and new agency issues, shall be placed after receiving competitive quotes from financial institutions, brokers/dealers, or a combination thereof. Quotes will be accepted in writing, by telephone, electronically, or any combination thereof. Funds shall be invested in an authorized investment pool until such time as the bidding process can be completed. Final approval of investments shall be made by the investment officer, after consultation with the investment committee.

Diversification Requirements

Diversification of the investment portfolio shall be desirable to reduce the risk of losses due to a change in market conditions, such as interest rate changes (interest rate risk) or institutional failure (concentration of credit risk). The District's diversification policies are designed to reduce both types of loss risks.

Diversification is primarily reviewed on a portfolio-wide basis. It is recognized that while specific funds may not have large enough individual investment balances to diversify, the investment portfolio as a whole can be adequately diversified.

Interest Rate Risk

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.

The District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

The investment officer shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed with the independent auditor on an annual basis. These controls shall be designed to control collusion and to implement a separation of functions including the separation of transaction authority from accounting and recordkeeping and electronic transfer of funds. The controls shall also establish custodial safekeeping guidelines, and procedures for the delegation of authority to subordinate staff. The controls shall require written confirmation of telephone and electronic transactions and documentation of transaction and strategies.

Performance Standards

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs of the District. The basis used for performance evaluation may include, but not be limited to, comparisons to 91-day U.S. Treasury Bills, six-month U.S. Treasury Bills, the average Federal Funds rate, the Lehman bond index, and rates from investment pools.

Monitoring Market Prices

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done monthly or more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

Monitoring Rating Changes

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

Accounting System

A board must adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. The accounting system must meet at least the minimum requirements prescribed by the commissioner of education, subject to review and comment by the state auditor. *Education Code 44.007(a), (b)*

Financial Accountability System Resource Guide

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication, *Financial Accountability System Resource Guide*, Version 19, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. *19 TAC 109.1, .41, .5001*

Report of Revenues and Expenditures

A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA on or before the date set by the State Board of Education. *Education Code 44.007(c), (d)*

Financial Statement

The board shall prepare an annual financial statement showing for each fund subject to the board's authority during the fiscal year:

1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;
2. The total disbursements of the fund, itemized by the nature of the expenditure; and
3. The balance in the fund at the close of the fiscal year.

Local Gov't Code 140.005

Publication

The board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the district, the financial statement shall be published in a newspaper in each county in which the district or any part of the district is located. If a district is located in more than one county, the financial statement may be published in a newspaper that has general circulation in the district. If a newspaper is not published in the county, the financial statement may be published in a newspaper in an adjoining county.

The statement shall be published in accordance with the accounting method required by TEA not later than the 150th day after the date the fiscal year ends.

Local Gov't Code 140.006

Annual Local Debt Report

A district shall annually compile and report certain financial information ("Annual Local Debt Report") in the manner prescribed by Local Government Code 140.008 and 34 Administrative Code 10.1-.6. *Local Gov't Code 140.008(b); 34 TAC 10.2(a)*

The Annual Local Debt Report must include the following financial information:

1. Regarding total authorized debt obligations:
    a. The amount of all authorized debt obligations;
    b. The principal of all outstanding debt obligations;
    c. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
    d. The amount of all authorized debt obligations secured by property taxes;
    e. The principal of all outstanding debt obligations secured by property taxes;
    f. The combined principal and interest required to pay all outstanding debt obligations secured by property taxes on time and in full;
    g. The amount of all authorized debt obligations secured by property taxes expressed as a per capita amount;
    h. The principal of all outstanding debt obligations secured by property taxes expressed as a per capita amount;
    i. The combined principal and interest required to pay all outstanding debt obligations on time and in full for all obligations secured by property taxes expressed as a per capita amount; and
    j. The current credit rating on total debt obligations given by any nationally recognized credit rating organization.
2. Regarding each authorized debt obligation:
    a. The principal of each outstanding debt;

b. The principal of each outstanding debt obligation secured by property taxes expressed as a per capita amount;

c. The combined principal and interest required to pay each outstanding debt obligation on time and in full;

d. The combined principal and interest required to pay each outstanding debt obligation on time and in full expressed as a per capita amount;

e. The issued and unissued amounts, the spent and unspent amounts, the maturity date and the stated purpose for which each debt obligation was authorized; and

f. The current credit rating on each debt obligation given by any nationally recognized credit rating organization.

3. Any other information considered relevant or necessary to explain the above required data elements, such as explanations of payment sources for different kinds of debt or projections of per capita amounts of ad valorem taxation-secured obligations as of the last day of the maximum term of the most recent debt obligation issued by the district.

34 TAC 10.2; Local Gov't Code 140.008(b)

Submission to Comptroller

The comptroller shall provide a location on the comptroller's internet website where a district may submit the financial information described above and any other related information required or requested by the comptroller for the Annual Local Debt Report.

The comptroller shall prescribe the form and manner in which financial information, financial documents, and related information must be submitted under these provisions. These instructions and other information related to local government debt reporting will be provided on the comptroller's internet website.

34 TAC 10.3

Reporting Requirement

On an annual basis and within 180 days of the end of the most recently completed fiscal year, a district shall, in accordance with the reporting requirements set forth under Local Government Code 140.008, either:

1. Submit an Annual Local Debt Report to the comptroller as described at Submission to Comptroller, above, in the form and in the manner prescribed by the comptroller and, if the district maintains an internet website, continually maintain a link from its website to the location on the comptroller's website where the district's financial information may be viewed; or

2. Post its contact information and the information required in an Annual Local Debt Report on the district's own internet website and make the report available for inspection by any person in accordance with other law.

A district that elects to post a report of its financial information on its own internet website as described in item 2 above shall provide upon request an electronic link to the location on the district's website where the information can be viewed to facilitate compliance with the requirements of this provision and to enable the comptroller to maintain a searchable database of local debt information that is comprehensive, accurate, and complete.

34 TAC 10.4; Local Gov't Code 140.008(c), (d), (f)

Definitions

The phrases, words, and terms used in the foregoing provisions shall have the meanings set out in 34 Administrative Code 10.1, unless the context clearly indicates otherwise. *34 TAC 10.1*

School FIRST Annual Financial Management Report

Each district is required to report information and financial accountability ratings to parents, taxpayers, and other stakeholders by implementing the reporting procedures below. *19 TAC 109.1001(q)*

Report Requirements

Each district must prepare and distribute an annual financial management report in accordance with 19 Administrative Code 109.1001(q). *19 TAC 109.1001(q)(1)*

The annual financial management report for a district must include:

1. A description of its financial management performance based on a comparison, provided by TEA, of its performance on the indicators established by the commissioner and reflected in 19 Administrative Code 109.1001. The report will contain information that discloses:

   a. State-established standards; and

   b. The district's financial management performance under each indicator for the current and previous year's financial accountability ratings [see CFC];

2. Any descriptive information required by the commissioner, including:

   a. A copy of the superintendent's current employment contract or other written documentation of employment if no contract exists. This must disclose all compensation and benefits paid to the superintendent. The district may publish the superintendent's employment contract on its website instead of publishing it in the annual financial management report;

b. A summary schedule for the fiscal year (12-month period) of expenditures paid on behalf of the superintendent and each board member and total reimbursements received by the superintendent and each board member. This includes transactions on the district's credit card(s), debit card(s), stored-value card(s), and any other similar instrument(s) to cover expenses incurred by the superintendent and each board member. The summary schedule must separately report reimbursements for meals, lodging, transportation, motor fuel, and other items. The summary schedule of total reimbursements should not include reimbursements for supplies and materials that were purchased for the operation of the district;

c. A summary schedule for the fiscal year of the dollar amount of compensation and fees received by the superintendent from an outside school district or any other outside entity in exchange for professional consulting or other personal services. The schedule must separately report the amount received from each entity;

d. A summary schedule for the fiscal year of the total dollar amount of gifts that had a total economic value of $250 or more received by the executive officers and board members.

(1) This reporting requirement applies only to:

(a) Gifts received by the district's executive officers and board members (and their immediate family as described by Government Code Chapter 573, Subchapter B, Relationships by Consanguinity or by Affinity) from an outside entity that received payments from the district in the prior fiscal year, and

(b) Gifts from competing vendors that were not awarded contracts in the prior fiscal year;

(2) This reporting requirement does not apply to reimbursement by an outside entity for travel-related expenses when the purpose of the travel was to investigate matters directly related to an executive officer's or board member's duties or to investigate matters related to attendance at education-related conferences and seminars with the primary purpose of providing continuing education (this exclusion does not apply to trips for entertainment purposes or pleasure trips);

(3) This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had a total economic value of less than $250 per executive officer or board member; and

e. A summary schedule for the fiscal year of the dollar amount received by board members for the total amount of business transactions with the district. This reporting requirement is not to duplicate the items disclosed in the summary schedule of reimbursements received by board members; and

3. Any other information the board of the district determines to be useful.

19 TAC 109.1001(q)(3)

Public Hearing

Each district must provide the public with an opportunity to comment on the report at a public hearing. *19 TAC 109.1001(q)(2)*

The board must hold a public hearing on the report within two months after receiving a final financial accountability rating. The public hearing must be held at a location in the district's facilities.

At the hearing, the district must provide the annual financial management report to the attending parents and taxpayers.

19 TAC 109.1001(q)(4), (5); Education Code 39.083(d)

Notice

The board must give notice of the hearing to owners of real property in the geographic boundaries of the district and to parents of district students.

In addition to other notice required by law, the board must provide notice of the hearing:

1. To a newspaper of general circulation in the geographic boundaries of the district in one posting prior to holding the public meeting, providing the time and place of the hearing. The notice in the newspaper may not be earlier than 30 days or later than 10 days before the date of the hearing. If no newspaper is published in the county in which the district's central administration office is located, then the board must publish the notice in the county nearest to the county seat of the county in which the district's central administration office is located; and

2. Through electronic mail to the mass communication media serving the district, including, but not limited to, radio and television.

19 TAC 109.1001(q)(4); Education Code 39.083(d)

Dissemination — After the hearing, the report shall be disseminated in the district in the manner prescribed by the commissioner. *Education Code 39.083(e)*

Records Retention — The district must retain the annual financial management report for at least three years after the public hearing and make it available to parents and taxpayers upon request. *19 TAC 109.1001(q)(6)*

Corrective Action Plan — Each district that received an F rating must file a corrective action plan with TEA, prepared in accordance with instructions from the commissioner, within one month after the district's public hearing. *19 TAC 109.1001(q)(7); Education Code 39.0824*

Projected Deficit

If the commissioner, based on the indicators adopted under Education Code 39.082 [see CFC], projects a deficit for a district general fund within the following three school years, TEA shall provide the district interim financial reports, including projected revenues and expenditures, to evaluate the district's current budget status.

TEA may require a district to submit additional information needed to produce a financial report. If a district fails to provide information requested or if the commissioner determines that the information submitted by a district is unreliable, the commissioner may order the district to acquire professional services under Education Code 39A.902 [see AIC].

Education Code 39.0823

Annual Audit

The board shall have its district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.

The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education (SBOE), subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

Audit Requirements and Procedures

A district must file with the Texas Education Agency (TEA) an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide*, as adopted by reference in 19 Administrative Code 109.41.

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

Independent Auditor

The district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy or a state licensing agency from another state;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);

2. Adhere to GAQC's membership requirements; and

3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:

   a. Texas public school district environment;

   b. Public sector; or

   c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

Financial Accountability System Resource Guide

The rules for financial accounting are described in the official TEA publication *Financial Accountability System Resource Guide*, Version 19, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. *19 TAC 109.41, .5001*

Filing of Report

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board declines or refuses to approve its auditor's report, it shall nevertheless file with TEA a copy of the audit report with its statement detailing reasons for failure to approve the report. *Education Code 44.008(d)*

Internet Posting of Audit

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18, including the district's most recent financial audit, in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for other required information that must be posted.]

Note: For information on the efficiency audit required before a district may hold an election to seek voter approval to adopt a maintenance and operations tax rate, see CCG.

Financial Records

Each treasurer receiving or having control of any school fund of any district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer's hands. The treasurer's records of the district's itemized accounts and records shall be available to audit. *Education Code 44.008(c)*

Financial Accountability Rating System (School FIRST)

TEA will assign a financial accountability rating to each district as required by Education Code 39.082.

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner as shown in the figures provided in 19 Administrative Code 109.1001(e). Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year.

A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(b), (e), (l)

Issuance of Ratings

TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report (AFR). Instead, the district will receive an F rating for substandard achievement.

Appeals

A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).

If TEA receives an appeal of a preliminary rating, TEA will issue a final rating to the district no later than 60 days after the deadline for submitting appeals. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of the preliminary rating.

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule.

19 TAC 109.1001(m)-(o)

[For information on the reporting requirements regarding a district's financial accountability rating, see CFA.]

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For information on procuring school buses, see CNB.

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

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

Board Authority

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

Delegation of Authority

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

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

Disaster Delegation

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

Education Code 44.0312

Purchases Valued at or Above $50,000

Methods

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

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

Education Code 44.031(a)

Exceptions

Emergency Damage or Destruction

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

Sole Source

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

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

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

Education Code 44.031(j)-(k)

Competitive Bidding

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

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

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

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

Education Code 44.0351

[For information on additional competitive procedures under the Public Property Finance Act, see CHH.]

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). *Gov't Code 791.003(2)*

A district, may agree with another local government or with the state or a state agency, including the comptroller, to purchase goods and services. *Gov't Code 791.025(a)*

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

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

Note: For legal provisions related to interlocal contracts, generally, see GRB.

For legal provisions related to using cooperative purchasing for construction-related services, see CV.

Reverse Auction

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

"Reverse auction procedure" means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet

location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or

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

Gov't Code 2155.062(d)

Site-Based Purchasing

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

Contract Selection Factors

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

1. The purchase price.
2. The reputation of the vendor and of the vendor's goods or services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the vendor's goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent

company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.

9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

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

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

Preferences

Agricultural Products

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

"Agricultural products" includes textiles and other similar products.

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

A district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

Vegetation for Landscaping

A district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the district is equal and the quality is equal.

Education Code 44.042

[For legal requirements applicable to school nutrition procurement, including produce and agricultural products, with federal funds, see COA.]

Recycled Products

A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than 10 percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. *30 TAC 328.203*

Subchapter K of 30 Administrative Code (Governmental Entity Recycling and Purchasing of Recycled Materials) does not apply to a district with a student enrollment of less than 10,000 students. *30 TAC 328.204(a)*

A district regularly shall review and revise its procurement procedures and specifications for the purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials;
2. Encourage the use of products made of recycled materials; and
3. Ensure to the maximum extent economically feasible that the district purchases products that may be recycled when they have served their intended use.

In developing new procedures and specifications, the district shall encourage the use of recycled products and products that may be recycled or reused.

Health and Safety Code 361.426(b)-(c)

Bidder's Place of Business

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

Notice Publication

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

ment process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Electronic Bids or Proposals

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

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

Education Code 44.0313

Right to Work

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

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

Education Code 44.043

Contract with Person Indebted to District

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

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

Education Code 44.044

Out-of-State Bidders

A district may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted

by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located, or the state in which a majority of the manufacturing relating to the contract will be performed. *Gov't Code 2252.002*

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

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

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

Gov't Code 2252.001

Professional Services

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

Professional Services Procurement Act

Selection

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

Definition

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land survey-

ing, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;

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, registered nurse, or a forensic analyst or forensic science expert; 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. For information on procuring services of physicians, optometrists, and registered nurses under certain circumstances, see Government Code 2254.008.]

Contingent Fee Contract for Legal Services

"Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained. The term includes an amendment to a contract for legal services described by this provision if the amendment changes the scope of representation or may result in the filing of an action or the amending of a petition in an existing action. *Gov't Code 2254.101(2)*

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 by a district for the collection of an obligation, as defined by Government Code 2107.001, that is delinquent [see CCGA(LEGAL) regarding delinquent tax collection] or for services under Government Code 1201.027 [see CCA(LEGAL) regarding issuance of public securities], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

Gov't Code 2254.102

A district may select an attorney or law firm to award a contingent fee contract only in accordance with Government Code

2254.003(a) (Professional Services Procurement Act) [see Selection, above] and Government Code 2254.1032.

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

1. Select a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience in the requested services; and

2. Attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price.

Gov't Code 2254.1032

Specific Purchases

Computers

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

Automated Information System

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method described above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.222* [See 1 Administrative Code Chapter 212 for rules related to purchases of commodity items.]

Automated External Defibrillators

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

Insurance

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

Multiyear Contracts

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

Other Purchasing Methods

State Purchasing Program

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

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

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

Local Gov't Code 271.082

District Participation

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

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

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

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

Local Gov't Code 271.083

Multiple Award Contract Schedule

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

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

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

Gov't Code 2155.504

Cooperative Purchasing Program

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

1. Designate a person to act under the direction of, or on behalf of, the district in all matters relating to the program;

2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under these provisions, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and

3. Be responsible for the vendor's compliance relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

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

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

Cooperative Purchasing Contract Fees

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

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

Education Code 44.0331

Commitment of Current Revenue

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

Change Orders

For provisions regarding change orders, see CV.

Criminal Offenses

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

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

Education Code 44.032(a)-(b)

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

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

Removal from Office

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

Injunction

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

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

For information on mental health leave, quarantine leave, and line of duty leave for peace officers, see DEC.

Powers and Duties

Code of Criminal Procedure

Any peace officer commissioned by the board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE). *Education Code 37.081(h)*

Officers commissioned by a board are peace officers. *Code of Criminal Procedure 2.12(8)*

It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means. *Code of Criminal Procedure 2.13(a)*

The peace officer shall perform the duties listed in Code of Criminal Procedure 2.13.

Determined by the Board

A district peace officer shall perform law enforcement duties for the district as determined by the board. *Education Code 37.081(d), (d-1)* [See CKE(LEGAL)]

The board may authorize any officer commissioned by the board to enforce rules adopted by the board. Education Code Chapter 37, Subchapter D (protection of buildings and grounds) is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. *Education Code 37.103*

In a peace officer's jurisdiction, a peace officer commissioned by the board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Family Code Chapter 52 [see GRA] or Code of Criminal Procedure 45.058; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)(3)

The board shall determine the scope of the on-duty and off-duty law enforcement activities of district peace officers. A district must authorize in writing any off-duty law enforcement activities performed by a district peace officer.

A district peace officer may provide assistance to another law enforcement agency. A district may contract with a political subdivision for the jurisdiction of a district peace officer to include all territory in the jurisdiction of the political subdivision.

Education Code 37.081(c), (e)

Chief of Police

The chief of police of a district police department shall be accountable to the superintendent and shall report to the superintendent. District police officers shall be supervised by the district chief of police or the chief's designee and shall be licensed by TCOLE. *Education Code 37.081(f)*

Oath and Bond

A peace officer assigned to duty and commissioned by a board shall take and file the oath required of peace officers and shall execute and file a bond in the sum of $1,000, payable to the board, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. *Education Code 37.081(h)*

Preemployment Procedures and Reporting Requirements

Before a law enforcement agency may hire a person licensed under Occupations Code 1701 (law enforcement officers), the agency must, on a form and in the manner prescribed by the TCOLE:

1. Obtain the person's written consent for the agency to review the information required to be reviewed under Occupations Code 1701.451;
2. Request from TCOLE and any other applicable person information required to be reviewed under Occupations Code 1701.451; and
3. Submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
    a. Contacted each entity or individual necessary to obtain the information required to be reviewed under Occupations Code 1701.451; and
    b. Except as provided below, obtained and reviewed as related to the person, as applicable, the information listed in Occupations Code 1701.451(a)(3)(B).

Confirmation Form

The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under Occupations Code 1701.451 before submission to TCOLE. The

failure of an agency head or the agency head's designee to comply with this subsection constitutes grounds for suspension of the agency head's license under Occupations Code 1701.501.

The confirmation form submitted to TCOLE is not confidential and is subject to disclosure under Government Code Chapter 552 (Public Information Act).

Exception

If an entity or individual contacted for information required to be reviewed under Occupations Code 1701.451 refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response.

Duty to Provide Information

If a law enforcement agency receives from a law enforcement agency a request for information under Occupations Code 1701.451 and the person's consent on the forms and in the manner prescribed by TCOLE, the agency shall provide the information to the requesting agency.

Occupations Code 1701.451

Separation Report

When a person licensed by TCOLE separates from an agency, the agency shall, within 7 business days:

1. Submit a separation report (Form F5) to TCOLE; and
2. Provide a copy to the licensee in a manner prescribed by Occupations Code 1701.452 (Employment Termination Report).

37 TAC 217.7(b)

An agency must retain records kept under 37 Administrative Code 217.7 while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to TCOLE. *37 TAC 217.7(d)*

Memoranda of Understanding

A district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies. *Education Code 37.081(g)*

Required Policies

Use of Force/Duty to Render Aid

Not later than the 180th day after the date TCOLE provides the model policies described by Occupations Code 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by TCOLE under that subsection. *Occupations Code 1701.270*

Medical and Psychological Exams

Each law enforcement agency in this state shall adopt the model policy described by Occupations Code 1701.167(a) or a substantively similar policy. A policy adopted by a law enforcement agency under that subsection must be submitted to TCOLE, and the commission shall maintain a copy of the policy. *Occupations Code 1701.167(b)*

Drones

"Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

1. Is controlled remotely by a human operator; or
2. Operates autonomously through computer software or other programming.

Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

1. Adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and
2. Not later than January 1 of each even-numbered year, submit the policy to TCOLE in the manner prescribed by TCOLE.

Code of Criminal Procedure 2.33

[For additional information on unmanned aircraft systems, see GKA.]

Body-Worn Camera Programs

For the purpose of this provision, "body-worn camera" means a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio; and worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

A law enforcement agency that operates a body-worn camera program shall adopt a policy for the use of body-worn cameras that must ensure that a body-worn camera is activated only for a law enforcement purpose and must include guidelines and provisions required by Occupations Code 1701.655(b).

A policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer's shift.

A policy must require a peace officer who is equipped with a body-worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to peace officers who will wear the body-worn cameras and any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 1701.651(1), .655, .656

Prohibited Release of Recording

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

A recording is confidential and excepted from the requirements of the Public Information Act if the recording was:

1. Not required to be made under Occupations Code Subchapter N or another law or under a policy adopted by the law enforcement agency; and
2. Does not relate to a law enforcement purpose.

"Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Occupations Code 1701.651(1), .661(f), (h)

Motor Vehicle Stops

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including the information required by Code of Criminal Procedure 2.133.

The chief administrator of a law enforcement agency is responsible for auditing these reports to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Code of Criminal Procedure 2.133

A law enforcement agency shall compile and analyze the information contained in each report received by the agency. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to TCOLE. *Code of Criminal Procedure 2.134*

Civil Penalty

If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the department is liable to the state

for a civil penalty in an amount not to exceed $5,000 for each violation. *Code of Criminal Procedure 2.1385(a)*

Racial Profiling

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

Each law enforcement agency that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling that complies with Code of Criminal Procedure 2.132(b). *Code of Criminal Procedure 2.132*

Mental Health Crisis or Substance Abuse Issue

A law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

1. There is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
2. It is reasonable to divert the person;
3. The offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

This requirement does not apply to a person who is accused of specified offenses involving intoxication.

Code of Criminal Procedure 16.23

Administration of Epinephrine

A law enforcement agency may acquire and possess epinephrine auto-injectors and a peace officer may possess and administer an epinephrine auto-injector in accordance with Occupations Code Chapter 1701, Subchapter O. *Occupations Code 1701.702(a)* [See FFAC regarding district maintenance and administration of epinephrine auto-injectors.]

Officer-Involved Injury or Death

"Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report to the office of the attorney general. The report must

include all information required by Code of Criminal Procedure 2.139(b).

Code of Criminal Procedure 2.139

Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2.1395(a). *Code of Criminal Procedure 2.1395(b)*

Failure to Report

A law enforcement agency that fails to submit the required report on or before the seventh day after the date the agency received notice of failure to report from the office of the attorney general, is liable for a civil penalty in the amount of $1,000 for each day after the seventh day that the agency fails to submit the report. Beginning on the day after the date of receiving notice of failure to report, a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty is liable for a civil penalty for each day the agency fails to submit the required report in the amount of $10,000 for the first day and $1,000 for each additional day that the agency fails to submit the report. *Code of Criminal Procedure 2.13951(b), (c)*

Complaints Against Peace Officers

To be considered by the head of the district's police department, a complaint against a district peace officer must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed. Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code 614.021-.023; Colorado County v. Staff, 510 S.W.3d 435 (Tex. 2017); Atty. Gen. Op. GA-251 (2004)*

On the commencement of an investigation by a law enforcement agency of a complaint by an individual who believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer

who is the subject of the complaint on written request by the officer. *Code of Criminal Procedure 2.132(b)(3), (f)*

[See DGBA, FNG, and GF for appeals.]

Legal Representation

A district shall provide a district employee who is a peace officer with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.

To defend the employee against the suit, the district may provide counsel already employed by it or may employ private counsel.

An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit covered by these provisions and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Local Gov't Code 180.002(b)-(d)

Note: For general provisions applicable to district security personnel, including school marshals, see CKE.

Board Authority

The board may appoint one or more school marshals for each campus. *Education Code 37.0811(a)*

Definition

A school marshal is a person who is appointed to serve as a school marshal by the board under Education Code 37.0811, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure 2.127. *Occupations Code 1701.001(8)*

Eligibility

The board may select for appointment as a school marshal an applicant who is an employee of the district and certified as eligible for appointment under Occupations Code 1701.260. *Education Code 37.0811(b)*

TCOLE Licensing

To be eligible for appointment as a school marshal, an applicant shall:

1. Successfully complete all prerequisite Texas Commission on Law Enforcement (TCOLE) training;
2. Pass the state licensing exam;
3. Be employed and appointed by an authorized school district; and
4. Meet all statutory requirements, including psychological fitness.

37 TAC 227.3(a); Code of Criminal Procedure 2.127(d)

A school marshal training program is open to any employee of a district who holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H. *37 TAC 227.5(a)*

TCOLE shall license an eligible person who:

1. Completes required training to the satisfaction of TCOLE staff; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under Occupations Code 1701.260(d).

Occupations Code 1701.260(f)

Psychological Fitness

In order for an individual to enroll in any school marshal licensing training, obtain a school marshal license, or renew or reapply for a

school marshal license, they must first demonstrate psychological fitness through a psychological examination.

The psychological examination shall be conducted by a professional selected by the district. The professional shall be either a psychologist licensed by the Texas State Board of Examiners of Psychologists or a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties of a school marshal.

The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of:

1. A review of the duties and responsibilities of a school marshal as developed by TCOLE;
2. At least two instruments, one which measures personality traits and one which measures psychopathology; and
3. A face-to-face interview conducted after the instruments have been scored.

The individual must be declared by that professional, on a form prescribed by TCOLE, to be in satisfactory psychological and emotional health to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter.

If, after examination, the professional declines to declare the individual as psychologically fit, the individual must report the outcome to TCOLE on a form prescribed by TCOLE.

An examination for license renewal or reactivation must be conducted within 90 days of the date of the application for license renewal or reactivation.

37 TAC 227.4

Reimbursement for Training

The board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Occupations Code 1701.260. *Education Code 37.0811(b)*

District Responsibilities

A district shall:

1. Submit and receive approval for an application to appoint a person as a school marshal;
2. Upon authorization, notify TCOLE using approved format prior to appointment;

3. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the district;

4. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the district, TCOLE standards, another state agency, or under other law;

5. Immediately report to TCOLE a school marshal's violation of any TCOLE standard, including the discharge of a firearm carried under the authorization of these provisions outside of a training environment; and

6. Immediately report to TCOLE any indication, suspicion, or allegation that a school marshal is no longer psychologically fit to carry out the duties of a school marshal.

For five years, the district must retain documentation that the district has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve a district from retaining all other relevant records not otherwise listed.

37 TAC 227.1

Powers and Duties

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the board.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2.127

Reporting Requirements

Once appointed, a school marshal shall:

1. Immediately report to TCOLE and the district any circumstance which would render them unauthorized to act as a school marshal by virtue of their employment with the district, failure to meet the standards of TCOLE, another state agency, or under law;

2. Immediately report to TCOLE any violation of applicable TCOLE standards, including any discharge of a firearm carried under the authorization of these provisions outside of training environment; and

3. Comply with all requirements under law, including Education Code 37.0811.

37 TAC 227.3(b)

Fit for Duty Review

When TCOLE receives a report or other reliable information that a school marshal may no longer be psychologically fit to carry out the duties of a school marshal, TCOLE may:

1. Issue an emergency suspension order; or
2. Require a fit for duty review upon identifying factors that indicate the licensee may no longer be able to perform the duties of a school marshal safely and effectively.

TCOLE shall provide written notice of the psychological examination to the license holder not later than the 10th business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.

The examination shall be conducted by a psychiatrist or psychologist chosen by the licensee.

To facilitate the examination of any licensee, TCOLE will provide all appropriate documents and available information.

The examining practitioner will provide TCOLE with a report indicating whether the school marshal is fit for duty. If the school marshal is unfit for duty, the practitioner will include the reasons or an explanation why the individual is unfit for duty.

A second examination may be ordered by TCOLE if it questions the practitioner's report. The examination will be conducted by a psychiatrist or psychologist appointed by TCOLE. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the school marshal's fitness shall be decided by the executive director of TCOLE.

A school marshal who fails a psychological examination shall have their license suspended until the executive director orders it reinstated.

Any school marshal ordered to undergo a fit for duty review shall comply with the terms of the order and cooperate fully with the examining practitioner.

34 TAC 227.6

Handgun Possession

A school marshal may carry a concealed handgun or possess a handgun on the physical premises of a school, but only:

1. In the manner provided by written regulations adopted by the board; and

2. At a specific school as specified by the board.

Accessing Handgun

A school marshal may use a handgun the school marshal is authorized to carry or possess only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33.

Board Regulations

A board's written regulations must provide that a school marshal may carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location.

The written regulations must also require that a handgun carried or possessed by a school marshal may be loaded only with frangible duty ammunition approved for that purpose by TCOLE.

Inactive Status

A district employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;

2. Suspension or revocation of the employee's license to carry a handgun;

3. Termination of the employee's employment with the district; or

4. Notice from the board that the employee's services as school marshal are no longer required.

Education Code 37.0811(c)-(f)

Identity Confidential

The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and handgun license number, and the address of the person's place of employment must be provided by TCOLE to:

1. The director of the Department of Public Safety;

2. The district;

3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality;

4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and

5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed as a school marshal. The notice may not disclose information that is confidential.

Education Code 37.0811(g), (h); Occupations Code 1701.260(j)

No State Benefits

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2.127(c)*

Memorandum of Understanding to Share Marshal

A district may enter into a memorandum of understanding with another district, open-enrollment charter school, or private school under which a school marshal appointed to a campus of the district may temporarily act as a school marshal at a campus of the other school for the duration of an event occurring at the campus of the other school at which both schools are participating. The memorandum of understanding must comply with the requirements for written regulations under Education Code 37.0811 [see Handgun Possession, above] and may be used to satisfy the requirement for written regulations or written authorization under Penal Code 46.03(a)(1) to allow that school marshal to carry a firearm on the premises of the school at which the event occurs. *Education Code 37.08131*

Texas Department of Agriculture Authority

The Texas Department of Agriculture (TDA) administers federal and state nutrition programs, including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq., and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

Note: Regulations applicable to federal nutrition programs are found at the following:

7 C.F.R. 210: National School Lunch Program

7 C.F.R. 215: Special Milk Program for Children

7 C.F.R. 220: School Breakfast Program

7 C.F.R. 225: Summer Food Service Program

7 C.F.R. 245: Free and Reduced Price Eligibility

Program Compliance

TDA shall require that school food authorities (SFAs) comply with the applicable provisions 7 C.F.R. Part 210. TDA shall ensure compliance through audits, administrative reviews, technical assistance, training guidance materials or by other means. *7 C.F.R. 210.19(a)(3)*

[For the definition of "school food authority," see COA(LEGAL).]

Administrative Review

TDA must conduct administrative reviews of all SFAs participating in the NSLP (including the Afterschool Snacks and the Seamless Summer Option) and SBP at least once during a 5-year review cycle, provided that each SFA is reviewed at least once every 6 years in accordance with the review cycle observed under 7 C.F.R. 210.18(c).

"Administrative reviews" means the comprehensive evaluation of all SFAs participating in the specified programs. It includes a review of both critical and general areas in accordance with 7 C.F.R. 210.18(g) and (h), as applicable for each reviewed program. With U.S. Department of Agriculture Food and Nutrition Service approval, the administrative review may include other areas of program operations determined by TDA.

7 C.F.R. 210.18

Appeals

Appeals related to the federal food and nutrition programs administered by TDA and any actions affecting participation in such programs are governed by 4 Administrative Code, Chapter 26, Subchapter E. *4 TAC 26.200-.207*

Note: For recordkeeping and retention information, see TDA's Food and Nutrition Division *Administrator's Reference Manual*,[1] Section 30, *Records Retention*.

School Nutrition Professional Standards

An SFA that operates the NSLP or the SBP must establish and implement professional standards for school nutrition program directors, managers, and staff, as defined in 7 C.F.R. 210.2. *7 C.F.R. 210.30(a)*

Minimum Standards for Program Directors

Each SFA must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in 7 C.F.R. 210.30. *7 C.F.R. 210.30(b)*

Note: All school nutrition program directors hired on or after July 1, 2015, must meet the required minimum educational requirements based on student enrollment. *7 C.F.R. 210.30(b)(1)*

Exempt Fundraisers

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. *4 TAC 26.2*

Definitions

"School day" means the midnight before, to 30 minutes after the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

Unpaid Meal Charges

State Law

The board of a district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the board, to purchase meals by:
    a. Accumulating a negative balance on the student's card or account; or

b. Otherwise receiving an extension of credit from the district;

2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and

4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

Education Code 33.908

Federal Law

An SFA operating a NSLP and/or SBP must:

1. Have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to the issue of how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal.

2. Include policies regarding the collection of delinquent meal charge debt in the written meal charge policy.

3. Ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year.

4. Provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement, including school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy.

Excerpts from *USDA Memo SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies*[2] *(July 8, 2016)*

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002(a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

1. Children in the classroom of the child on the occasion of the child's birthday; or

2. Children at a school-designated function.

Education Code 28.002(l-3)(2)

Donation of Food

A district may allow a campus to elect to donate food to a nonprofit organization through a person who is directly and officially affiliated with the campus, including a teacher or counselor, or through a parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

1. Surplus food prepared for breakfast, lunch, or dinner meals or snacks served from the campus cafeteria, subject to any applicable local, state, and federal requirements; or
2. Food donated to the campus as the result of a food drive or similar event.

The type of food donated under item 1 above may include:

1. Packaged unserved food that is packaged on the campus of a district and has not been removed from the campus cafeteria;
2. Packaged served food if the packaging and food are in good condition;
3. Whole, uncut produce; and
4. Wrapped raw unserved produce.

Food that by law must be maintained at a certain temperature for safety may not be donated unless the campus has maintained the food at the required temperature.

Food donated under these provisions to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers of the nonprofit organization.

Under this program, a district may adopt a policy under which the district provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or snack.

Education Code 33.907

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[1] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx
[2] USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies:* https://fns-prod.azureedge.us/sites/default/files/cn/SP46-2016os.pdf

Note: For additional legal requirements applicable to purchases with federal funds, including 2 C.F.R. 200, see CBB.

For more information on U.S. Department of Agriculture (USDA) procurement requirements, see the Texas Department of Agriculture's (TDA) Food and Nutrition Division *Administrator's Reference Manual*,[1] Sections 17, *Procurement;* 17a, *Procurement Procedures;* 17b, *Buy American;* and 17c, *Cooperative Purchasing*.

Definitions

For purposes of this policy, "2 C.F.R. Part 200" means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by the Office of Management and Budget (OMB). The part reference covers applicable: Acronyms and Definitions (Subpart A), General Provisions (Subpart B), Post Federal Award Requirements (Subpart D), Cost Principles (Subpart E), and Audit Requirements (Subpart F). [Note: Pre-Federal Award Requirements and Contents of Federal Awards (Subpart C) does not apply to the National School Lunch Program]. *7 C.F.R. 210.2, 220.2*

School Food Authority — "School food authority" (SFA) means the governing body that is responsible for the administration of one or more schools and has the legal authority to operate the program therein or be otherwise approved by the USDA Food and Nutrition Service (FNS) to operate the program.

Program — "Program" means the National School Lunch Program (NSLP) and the Commodity School Program or the School Breakfast Program (SBP), as applicable.

Nonprofit School Food Service — "Nonprofit School Food Service" means all food service operations conducted by the SFA principally for the benefit of school children, all the revenue from which is used solely for the operation or improvement of such food services.

Nonprofit School Food Service Account — "Nonprofit School Food Service Account" means the restricted account in which all the revenue from all food service operations conducted by the SFA principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service.

Cost Reimbursable Contract — "Cost reimbursable contract" means a contract that provides for payment of incurred costs to the extent prescribed in the contract, with or without a fixed fee.

7 C.F.R. 210.2, 220.2

Administration

The SFA shall be responsible for the administration of the program in schools. *7 C.F.R. 210.3*

Nonprofit School Food Service

National School Lunch Program

The SFA shall maintain a nonprofit school food service. Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that such revenues shall not be used to purchase land or buildings, unless otherwise approved by FNS, or to construct buildings. Expenditures of nonprofit school food service revenues shall be in accordance with the financial management system established by the TDA under 7 C.F.R. 210.19(a). *7 C.F.R. 210.14(a)*

School Breakfast Program

Pursuant to required written agreements, the SFA shall, with respect to participating schools under its jurisdiction maintain a nonprofit school food service. In accordance with the financial management system established under 7 C.F.R. 220.13(i), use all revenues received by such food service only for the operation or improvement of that food service. Revenues received by the nonprofit school food service shall not be used to purchase land or buildings or to construct buildings. *7 C.F.R. 220.7(e)(1)(i)-(iii)*

Food Service Management Companies

An SFA may contract with a food service management company to manage its food service operation in one or more of its schools. However, no school or SFA may contract with a food service management company to operate an a la carte food service unless the company agrees to offer free, reduced price, and paid reimbursable lunches to all eligible children. Any SFA that employs a food service management company in the operation of its nonprofit school food service shall comply with the requirements of 7 C.F.R. 210.16 (NSLP) or 7 C.F.R. 220.7(d) (SBP). *7 C.F.R. 210.16, 220.7*

Note: For more information on contracts regarding consultants, food service management companies (FSMC), and vended meals, see TDA's Food and Nutrition Division *Administrator's Reference Manual*,[2] Section 18, *Food Service Contracts*.

USDA Procurement Requirements

The SFA shall comply with requirements of 7 C.F.R. Part 210 (NSLP), Part 220 (SBP), and 2 C.F.R. Part 200, Subpart D and USDA implementing regulations 2 C.F.R. Part 400 and Part 415, as applicable, which implement the applicable requirements, concerning procurement of all goods and services with nonprofit school food service account funds. *7 C.F.R. 210.21(a), 220.16(a)*

District Procurement Procedures

An SFA may use its own procurement procedures which reflect applicable state and local laws and regulations, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in 7 C.F.R. Part 210 and in

2 C.F.R. Part 200, Subpart D, as applicable. SFA procedures must include a written code of standards of conduct meeting the minimum standards of 2 C.F.R. 200.318, as applicable. [See CBB]

Pre-issuance Review

TDA may impose a pre-issuance review requirement on an SFA's proposed procurement. The SFA must make available, upon request by TDA, its procurement documents, including but not limited to solicitation documents, specifications, evaluation criteria, procurement procedures, proposed contracts and contract terms. The SFA shall comply with TDA requests for changes to procurement procedures and solicitation and contract documents to ensure that, to TDA's satisfaction, such procedures and documents reflect applicable procurement and contract requirements and the requirements of 7 C.F.R. Part 210.

Prohibited Expenditures — Noncompliant Procurement

No expenditure may be made from the nonprofit school food service account for any cost resulting from a procurement failing to meet the requirements of 7 C.F.R. Part 210 (NSLP) or Part 220 (SBP).

7 C.F.R. 210.21(c), 220.16(c)

Conflicts of Interest

A district must disclose in writing any potential conflicts of interest to the USDA awarding agency or pass-through entity (e.g., TDA).

The district must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award and administration of federal awards. No employee, officer or agent may participate in the selection, award, or administration of a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a federal award. The district may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district.

Districts must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. Districts are responsible for notifying the respective USDA awarding agency in writing of any conflicts of interest that may arise during the period of performance of an award, including those which have been reported by subrecipients, no later than five calendar days following discovery. Upon receipt

of such a disclosure, the respective USDA awarding agency must review and make a determination in writing if a potential or real conflict of interest exists and develop a plan for addressing or mitigating the issue, which may include remedies found at 2 C.F.R. 200.339. USDA awarding agencies must make a determination within 30 calendar days of disclosure unless a longer period of time is necessary due to the complexity of the situation.

2 C.F.R. 400.2

Procurement Training

School nutrition program directors, management, and staff tasked with NSLP procurement responsibilities must complete annual training on federal procurement standards annually.

Procurement training may count towards the professional standards training standards at 7 C.F.R. 210.30. [See CO]

SFAs must retain records to document compliance with these training requirements.

2 C.F.R. 210.21(h)

Cost Reimbursable Contracts

The SFA must include the provisions specified in 7 C.F.R. 210.21(f)(1) (NSLP) or 220.16(e)(1) (SBP) in all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts.

Prohibited Expenditures — Noncompliant Contract

No expenditure may be made from the nonprofit school food service account for any cost resulting from a cost reimbursable contract that fails to include the requirements of 7 C.F.R. 210.21 (NSLP) or 220.16 (SBP), nor may any expenditure be made from the nonprofit school food service account that permits or results in the contractor receiving payments in excess of the contractor's actual, net allowable costs.

7 C.F.R. 210.21(f), 220.16(e)

Buy American

Domestic Commodity or Product

“Domestic commodity or product” means an agricultural commodity that is produced in the United States, and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States under 7 C.F.R. 210.21(d) and 220.16(d).

Requirement

The USDA shall require that an SFA purchase, to the maximum extent practicable, domestic commodities or products.

7 C.F.R. 210.21(d), 220.16(d)

Optional Geographic Preference

An SFA participating in the program may apply a geographic preference when procuring unprocessed locally grown or locally raised

agricultural products, including the use of "locally grown," "locally raised," or "locally caught" as procurement specifications or selection criteria for unprocessed or minimally processed food items. When utilizing the geographic preference to procure such products, the SFA making the purchase has the discretion to determine the local area to which the geographic preference option will be applied, so long as there are an appropriate number of qualified firms able to compete.

For the purpose of applying the optional geographic procurement preference, "unprocessed locally grown or locally raised agricultural products" means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk.

7 C.F.R. 210.21(g), 220.16(f)

Sale of Milk

An SFA participating in the program, or a person approved by a school participating in the program, must not directly or indirectly restrict the sale or marketing of fluid milk (as described in 7 C.F.R. 210.10(d)(4)) at any time or in any place on school premises or at any school-sponsored event. *7 C.F.R. 210.21(e)*

Dairy Products

A district may not purchase milk, cream, butter, cheese, or a product consisting largely of one or more of those items that has been imported from outside the United States. This provision does not apply to the purchase of milk powder if domestic milk powder is not readily available in the normal course of business. *Health & Safety Code 435.021*

Imported Beef

A district may not purchase beef or a product consisting substantially of beef that has been imported from outside the United States. *Agriculture Code 150.012*

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[1] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx
[2] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx

Free and Reduced-Price Meals

The school food authority (SFA) must ensure that lunches and afterschool snacks are made available free or at a reduced-price to all children who are determined by the SFA to be eligible for such benefits. The determination of a child's eligibility for free or reduced-price lunches and afterschool snacks must be made in accordance with 7 C.F.R. Part 245. *7 C.F.R. 210.23(a)* [For information regarding participation in the School Breakfast Program (SBP), see 7 C.F.R. 220.7 and School Meals Program Options, below.]

[For the definition of “school food authority,” see COA(LEGAL).]

Eligibility Appeals

Each local educational agency (LEA) of a school participating in the National School Lunch Program (NSLP), SBP, or the Special Milk Program (7 C.F.R. Part 215) or of a commodity-only school shall establish a hearing procedure under which:

1. A family can appeal from a decision made by the LEA with respect to an application the family has made for free or reduced-price meals or for free milk, and
2. The LEA can challenge the continued eligibility of any child for a free or reduced-price meal or for free milk. The hearing procedure shall provide for both the family and the local educational agency:
    a. A simple, publicly announced method to make an oral or written request for a hearing;
    b. An opportunity to be assisted or represented by an attorney or other person;
    c. An opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal;
    d. That the hearing shall be held with reasonable promptness and convenience, and that adequate notice shall be given as to the time and place of the hearing;
    e. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
    f. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
    g. That the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal or in any previously held conference;

h. That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;

i. That the parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;

j. That a written record shall be prepared with respect to each hearing, which shall include the challenge or the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the parties concerned of the decision of the hearing official; and

k. That the written record of each hearing shall be preserved for a period of three years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

7 C.F.R. 245.7

"Local Educational Agency" "Local educational agency" means a public board of education legally constituted within a state for administrative control or direction of public elementary schools or secondary schools in a school district. *7 C.F.R. 245.2*

Claims for Reimbursement

Internal Controls The school food authority shall establish internal controls which ensure the accuracy of meal counts prior to the submission of the monthly claim for reimbursement under the NSLP or the SBP, as applicable. At a minimum, these internal controls shall include an on-site review of the meal counting and claiming system employed by each school within the jurisdiction of the SFA; comparisons of daily free, reduced-price, and paid meal counts against data which will assist in the identification of meal counts in excess of the number of free, reduced-price, and paid meals served each day to children eligible for such meals; and a system for following up on those meal counts which suggest the likelihood of meal counting problems. *7 C.F.R. 210.8(a), 220.11(a)*

On-Site Reviews Every school year, each SFA with more than one school shall perform no less than one on-site review of the counting and claiming system and the readily observable general areas of review cited under 7 C.F.R. 210.18(h) [regarding general areas of review by the Texas Department of Agriculture (TDA)] for each school under its jurisdiction under the NSLP, and for a minimum of 50 percent of schools under its jurisdiction with every school being reviewed at least once every two years under the SBP.

The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a school's meal counting or claiming procedures or general review areas, the SFA shall ensure that the school implements corrective action and, within 45 days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problems. Each on-site review shall ensure that the school's claim is based on the counting system and that the counting system, as implemented, yields the actual number of reimbursable free, reduced price, and paid meals, respectively, served for each day of operation.

7 C.F.R. 210.8(a)(1), 220.11(d)(1)

Nondiscrimination and Confidentiality

Nondiscrimination

In the operation of the program, no child shall be denied benefits or be otherwise discriminated against because of race, color, national origin, age, sex, or disability. SFAs shall comply with the requirements of:

1. Title VI of the Civil Rights Act of 1964,
2. Title IX of the Education Amendments of 1972,
3. Section 504 of the Rehabilitation Act of 1973,
4. The Age Discrimination Act of 1975,
5. The U.S. Department of Agriculture (USDA) regulations on nondiscrimination (7 C.F.R. Parts 15, 15a, and 15b), and
6. Food and Nutrition Service (FNS) Instruction 113-1.

7 C.F.R. 210.23(b)

Note: FNS Instruction 113-1,[1] USDA posters[2] and nondiscrimination statement[3] for use by SFAs for all FNS programs, and other information may be found on the USDA FNS Civil Rights website.[4] For information on handling civil rights complaints, see TDA's Food and Nutrition Division *Administrator's Reference Manual*,[5] Section 3, *Civil Rights & Confidentiality*.

SFAs participating in the NSLP, SBP, Special Milk Program, or commodity-only schools shall take all actions that are necessary to ensure compliance with the following nondiscrimination practices for children eligible to receive free and reduced-price meals or free milk:

1. The names of the children shall not be published, posted or announced in any manner;

2. There shall be no overt identification of any of the children by the use of special tokens or tickets or by any other means;

3. The children shall not be required to work for their meals or milk;

4. The children shall not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance or consume their meals or milk at a different time; and

5. When more than one lunch or breakfast or type of milk is offered which meets the requirements prescribed in applicable federal regulations, the children shall have the same choice of meals or milk that is available to those children who pay the full price for their meal or milk.

7 C.F.R. 245.8

Confidentiality

The use or disclosure of any information obtained from an application for free or reduced-price meals, or from a state or local agency referred to in 7 U.S.C. 1758(b)(3)(F), (4), or (5) shall be limited in accordance with section 9 of the Richard B. Russell National School Lunch Act. *42 U.S.C. 1758(b)(6); 7 C.F.R. 245.6(f)-(j)*

Unauthorized Disclosure or Misuse of Information

In accordance with section 9(b)(6)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(6)(C)), any individual who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by statute or this section, any information obtained under this section will be fined not more than $1,000 or imprisoned for up to one year, or both. *7 C.F.R. 245.6(k)*

School Meals Program Options

If at least 10 percent of the students enrolled in one or more schools in a district are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. 1773), the board shall either:

1. Participate in the national program and extend its benefits to all eligible students in the school or schools; or

2. Develop and implement a locally funded program to provide free meals, including breakfast and lunch, to each student eligible for free meals under federal law and reduced-price meals, including breakfast and lunch, to each student eligible for reduced-price meals under federal law, provided that the reduced price may not exceed the maximum allowable rate under federal law.

A district is permitted to participate in the national program at one or more campuses in the district and provide a locally funded program at one or more other campuses in the district.

Free Breakfast

A campus participating in the national school breakfast program or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to each student.

Waiver

The commissioner of education shall grant a waiver of the free breakfast requirement, not to exceed one year, to a campus if the board votes to request the waiver at the board's annual meeting to discuss and adopt the budget and the proposed tax rate under Education Code 44.044. Before voting to request a waiver, the board shall list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting.

Education Code 33.901

Summer Nutrition Program

Unless the Texas Department of Agriculture (TDA) grants a district a waiver, a district in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program under 42 U.S.C. Section 1751 et seq. shall provide or arrange for the provision of a summer nutrition program for at least 30 days during the period in which district schools are recessed for the summer. *Agriculture Code 12.0029(b)*

"Summer nutrition program" means the Summer Food Service Program under 42 U.S.C. 1761. The term includes the seamless summer option under 42 U.S.C. 1761(a)(8). *Agriculture Code 12.0029(a)(2)*

Notice from TDA

Not later than October 31 of each year, TDA shall notify each qualifying district of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for the summer. *Agriculture Code 12.0029(c)*

Notice to TDA

Each district that receives a notice from TDA shall, not later than January 31 of the year following the year in which the notice was received, inform TDA in writing that the district intends to provide or arrange for the provision of a summer nutrition program during the next period in which district schools are recessed for the summer; or request in writing that TDA grant the district a waiver of the requirement. *Agriculture Code 12.0029(e)*

Required Documentation

A district that arranges for the provision of a summer nutrition program must enter into an agreement to partner or collaborate with a local governmental entity, educational institution, or private nonprofit organization to ensure meal service for children in the dis-

trict's attendance area and must provide TDA with written documentation of the arrangement no later than April 1 of each year. *4 TAC 25.601(b)*

Waiver

Not later than November 30 of each year, the board of a district that intends to request a waiver must send written notice of the district's intention to the district's local school health advisory council. The notice must include an explanation of the district's reason for requesting a waiver of the requirement. *Agriculture Code 12.0029(d)*

TDA may grant a district a one-year waiver of the requirement to provide or arrange for the provision of a summer nutrition program only if:

1. The district has worked with the TDA field offices to identify another possible provider for the program in the district, and the district provides documentation, verified by TDA, showing that:
    a. There are fewer than 100 children in the district currently eligible for the national free or reduced-price lunch program;
    b. Transportation to enable district students to participate in the program is an insurmountable obstacle to the district's ability to provide or arrange for the provision of the program despite consultation by the district with public transit providers;
    c. The district is unable to provide or arrange for the provision of a program due to renovation or construction of district facilities and the unavailability of an appropriate alternate provider or site; or
    d. The district is unable to provide or arrange for the provision of a program due to another specified extenuating circumstance and the unavailability of an appropriate alternate provider or site; or
2. The cost to the district to provide or arrange for provision of a program would be cost-prohibitive, as determined by TDA using the criteria and methodology established by TDA rule.

Agriculture Code 12.0029(f); 4 TAC 25.601(d), (e)

Alternate Provider

If a district has requested a waiver and has been unable to provide to TDA a list of possible providers for the summer nutrition program, the TDA field offices shall continue to attempt to identify an

alternate provider for the district's summer nutrition program. *Agriculture Code 12.0029(i)*

Community Eligibility Provision

The community eligibility provision (CEP) is an alternative reimbursement option for eligible high-poverty districts. Each CEP cycle lasts up to four years before the LEA or school is required to recalculate their reimbursement rate. LEAs and schools have the option to recalculate sooner, if desired. An LEA may elect this provision for all of its schools, a group of schools, or an individual school. Participating LEAs must offer free breakfasts and lunches for the length of their CEP cycle, not to exceed four successive years, to all children attending participating schools and receive meal reimbursement based on claiming percentages, as described in 7 C.F.R. 245.9(f)(4)(v). *7 C.F.R. 245.9(f); 42 U.S.C. 1759a(a)(1)(F)*

To be eligible to participate in the CEP, an LEA, group of schools, or school must:

1. Have an identified student percentage of at least 25 percent, as of April 1 of the school year prior to participating in the CEP, unless otherwise specified by the USDA Food and Nutrition Service (FNS). Individual schools participating in a group may have less than 25 percent identified students, provided that the average identified student percentage for the group is at least 25 percent.

2. Participate in the NSLP and SBP for the duration of the four-year cycle. Schools that operate on a limited schedule, where it is not operationally feasible to offer both lunch and breakfast, may elect CEP with FNS approval.

3. Comply with the procedures and requirements specified in 7 C.F.R. 245.9(f)(4) to participate in the CEP.

7 C.F.R. 245.9(f)(3)

[For information on other special assistance certification and reimbursement alternatives, see 7 C.F.R. 245.9.]

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[1] FNS Instruction 113-1 document: https://www.fns.usda.gov/cr/fns-instruction-113-1
[2] USDA FNS "And Justice for All" posters: https://www.fns.usda.gov/cr/justice-all-posters-guidance-translations
[3] USDA nondiscrimination statement: https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs
[4] USDA FNS Civil Rights website: https://www.fns.usda.gov/civil-rights
[5] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx

Information Required on Website

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Gov't Code 2051.201

Note: See GBA regarding the confidentiality of certain board member information.

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable, post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Other Required Internet Postings

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]
2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]
3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]
4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]
5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]
6. Not later than the 10th day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]

9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]

10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]

11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]

12. A district shall post an election notice required under Election Code 85.007. [See BBBA]

13. A district shall post election information under Election Code 4.009. [See BBBA]

14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

16. A district shall post election results under Election Code 65.016. [See BBBB]

17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

18. A district shall post a report filed with the district by a candidate, board member, or specific-purpose committee pursuant to Election Code Chapter 254 not later than the 10th business day after it is received under Election Code 254.0401. [See BBBC]

19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]

23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]

26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]

27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

28. A district shall post prominently a notice informing property owners of the property tax database maintained by the appraisal district under Tax Code 26.17. [See CCG]

29. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]

30. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

31. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]

32. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

33. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]

34. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

35. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1-.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

36. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]

37. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]

38. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

39. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

40. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]

41. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

42. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]

44. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]

45. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]

46. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]

47. Each year, a district shall post a report on measurable outcomes for each dropout recovery education program offered by the district, under Education Code 29.081(e-6). [See EHBC]

48. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(h). [See EHBG]

49. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]

50. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

51. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

52. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

53. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]

54. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

55. Each school year, the board shall post a summary of the Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

56. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]

57. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]

58. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

59. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]

60. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code 552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

61. A board that allows requestors to use the public information request form created by the attorney general must post the

form on the district website under Government Code 552.235. [See GBAA]

62. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district shall either post online or provide physical copies of the report on library materials under Education Code 35.006. [See EFB]
5. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
6. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]
7. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Note: For information on purchasing technological equipment with the instructional materials and technology allotment, see CMD.

Technology Lending Program Grant

A district may apply to the commissioner of education to participate in the technology lending grant program established under Education Code 32.301. *Education Code 32.301(b)*

A district may use a grant awarded under this program or other local funds to purchase, maintain, and insure equipment for a technology lending program. Equipment purchased by a district with a grant is the property of the district. *Education Code 32.303*

Guidelines for Use of Digital Devices

The Texas Education Agency (TEA), in consultation with the Health and Human Services Commission, shall develop and distribute model health and safety guidelines that districts may use to determine best practices for the effective integration of digital devices in public schools.

The board shall adopt a policy for the effective integration of digital devices in the district. In adopting the policy, the board may decide whether to adopt the guidelines for use in the district.

Each district that adopts the guidelines may implement the guidelines in a manner that best meets the district's individual needs and the individual needs of students in the district, including students with intellectual or physical disabilities.

If a district adopts the guidelines, the district shall post the guidelines publicly on the district's internet website.

Education Code 38.0231

Transfer of Equipment to Students

"Data processing" means information technology equipment and related services designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means.

Definitions

"Electronic device" means a device that is capable of connecting to a cellular network or the internet, including a computer, smartphone, or tablet.

"Internet filter" means a software application that is capable of preventing an electronic device from accessing certain websites or displaying certain online material.

Education Code 32.101; Gov't Code 2054.003(3)

Transfers

A district may transfer to a student enrolled in the district:

1. Any data processing equipment donated to the district, including equipment donated by a private donor, or a state eleemosynary institution or state agency under Government Code 2175.905 [see Fees, below];

2. Any equipment purchased by the district, to the extent consistent with the provisions at Use of Public Funds, below; and

3. Any surplus or salvage equipment owned by the district.

Education Code 32.102(a)

Before transferring data processing equipment or an electronic device to a student, a district must:

1. Adopt rules governing transfers, including provisions for technical assistance to the student by the district;

2. Determine that the transfer serves a public purpose and benefits the district;

3. Remove from the equipment any offensive, confidential, or proprietary information, as determined by the district;

4. Adopt rules establishing programs promoting parents as partners in cybersecurity and online safety that involve parents in students' use of transferred equipment or electronic devices; and

5. For the transfer of an electronic device to be used for an educational purpose, install an internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited pop-ups, installations, and downloads.

Education Code 32.104

Standards

Note: In accordance with Education Code 32.1021, TEA has provided Standards for Electronic Devices and Software Applications[1] with which school districts are expected to comply.

TEA shall adopt standards for permissible electronic devices and software applications used by a district. In adopting the standards, the agency must:

1. Minimize data collection conducted on students through electronic devices and software applications;

2. Ensure direct and informed parental consent is required for a student's use of a software application, other than a software application necessary for the administration of:

    a. An assessment instrument under Education Code Chapter 39, Subchapter B; or

    b. An assessment relating to college, career, or military readiness for which student performance is considered in evaluating a school district's performance under Education Code 39.054;

3. Ensure software applications do not conduct mental health assessments or other assessments unrelated to educational curricula that are intended to collect information about students without direct and informed parental consent;

4. Ensure that parents are provided the resources necessary to understand cybersecurity risks and online safety regarding their child's use of electronic devices before the child uses an electronic device at the child's school;

5. Specify periods of time during which an electronic device transferred to a student must be deactivated in the interest of student safety;

6. Consider necessary adjustments by age level to the use of electronic devices in the classroom to foster development of students' abilities regarding spending school time and completing assignments without the use of an electronic device;

7. Consider appropriate restrictions on student access to social media websites or applications with an electronic device transferred to a student by a district or school;

8. Require a district, before using a social media application for an educational purpose, to determine that an alternative application that is more secure and provides the same educational functionality as the social media application is unavailable for that educational purpose;

9. Consider the required use of an internet filter capable of notifying appropriate school administrators, who are then required to notify the student's parent, if a student accesses inappropriate or concerning content or words, including content related to:

    a. Self-harm;

    b. Suicide;

c. Violence to others; or

d. Illicit drugs;

10. Assign to the appropriate officer of a district the duty to receive complaints or concerns regarding student use of electronic devices, including cybersecurity and online safety concerns, from district staff, other students, or parents; and

11. Provide methods by which a district may ensure an operator, as that term is defined by Education Code 32.151, that contracts with the district to provide software applications complies with Subchapter D.

Education Code 32.1021

Donations

A district may accept:

1. Donations of data processing equipment for transfer under these provisions; and

2. Gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment.

Education Code 32.102(b)

Fees

A state eleemosynary institution or institution or agency of higher education or other state agency may not collect a fee or other reimbursement from a district for surplus or salvage data processing equipment transferred to the district. *Gov't Code 2175.905(c)*

Use of Public Funds

A district may spend public funds to:

1. Purchase, refurbish, or repair any data processing equipment transferred to a student; and

2. Store, transport, or transfer data processing equipment under these provisions.

Education Code 32.105

Eligibility

A student is eligible to receive data processing equipment under these provisions only if the student does not otherwise have home access to data processing equipment, as determined by the district. A district shall give preference to educationally disadvantaged students. *Education Code 32.103*

Return of Equipment

Except as provided below, a student who receives data processing equipment from a district under these provisions shall return the equipment to the district not later than the earliest of:

1. Five years after the date the student receives the equipment;

2. The date the student graduates;

3. The date the student transfers to another district; or

4. The date the student withdraws from school.

The requirements above do not apply if, at the time the student is required to return the equipment, the district determines that the equipment has no marketable value.

Education Code 32.106

Prohibited Applications on District-Owned Devices

"Covered application" means the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited, or a social media application or service specified by proclamation of the governor to pose a risk to the state. *Gov't Code 620.001(1), .005.*

A district shall adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the district and requiring the removal of covered applications from those devices. The Department of Information Resources and the Department of Public Safety shall jointly develop a model policy for districts to use in developing the required policy. *Gov't Code 620.003*

The district's policy may provide for the installation and use of a covered application to the extent necessary for providing law enforcement or developing or implementing information security measures. A policy allowing the installation and use of a covered application must require the use of measures to mitigate risks posed to the state during the use of the covered application and the documentation of those measures. *Gov't Code 620.004*

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[1] TEA Standards for Electronic Devices and Software Applications: https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/standards-for-permissible-electronic-devices-and-software-applications.pdf

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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.

For facility standards, see CS.

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; 19 TAC 61.1040(e)(2)(H)*

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. *Gov't Code 2269.053(a)*

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(b); Education Code 44.0312(a)*

If the district fails to provide that notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board in an open public meeting is advisory only. *Education Code 44.0312(a); 19 TAC 61.1040(e)(2)(E)*

A superintendent shall ensure that a requirement to specify the level of delegation of authority is included in the bid specifications when procuring construction services to select a contractor, in accordance with Education Code 44.0312. *19 TAC 61.1040(e)(2)(F)*

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

Contracts Valued at or Above $50,000

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

1. An interlocal contract. *Education Code 44.031(a)(4)* [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. *Education Code 44.031(a)(5)*
    a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]
    b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]
    c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]
    d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]
    e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]
    f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

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

Exceptions

Emergency Damage or Destruction

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

Contracts Requiring a Bond

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

Notice Publication

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

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

Gov't Code 2269.052(a)-(b)

[See CH for additional notice publication requirements.]

Contract Selection Criteria

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

1. Any existing laws, including any criteria, related to historically underutilized businesses; and
2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

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

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

Gov't Code 2269.055

Experience Modifier *Definitions*

"Contract" means a contract awarded by a district that is:

1. A construction contract, as defined by Business and Commerce Code 272.0001; or
2. A contract for constructing, altering, or repairing a public building or carrying out or completing any public work.

"Contract solicitation" means a request for bids, proposals, qualifications, offers, or other responses from potential contractors under a contract.

"Experience modifier" means a factor expressed as a value that:

1. Is assigned to an employer seeking to purchase a workers' compensation insurance policy in this state;
2. Affects the premium amount for the policy; and
3. Is based on the employer's past loss experience.

Voidable Contract Provisions

An offer to contract or a contract solicitation may not require a specified experience modifier in order to accept the offer or respond to the contract solicitation.

A contract or an agreement collateral to or affecting a contract may not require the contractor to have a specified experience modifier.

A contract solicitation, an offer, a contract, or an agreement collateral to or affecting a contract that violates these requirements is voidable as against public policy.

Gov't Code 2252.909

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:

1. The criteria that will be used to evaluate the offerors;
2. The applicable weighted value for each criterion; and
3. A detailed methodology for scoring 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*

Documents Related to Evaluation and Ranking

An offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under Government Code Chapter 2269 may, after the contract is awarded, make a request in writing to the district to provide documents related to the evaluation of the offeror's submission.

Not later than the 30th day after the date a request is made, the district shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission.

Gov't Code 2269.060

Uniform General Conditions for Contracts

After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Government Code 2166.302, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts. *Education Code 44.035*

Right to Work

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

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

Gov't Code 2269.054

Collective Bargaining

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

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

Gov't Code 2269.0541(a)

Out-of-State Bidders

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

Change Orders

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

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

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

Education Code 44.0411

Unsigned Change Orders

A vendor may elect not to proceed with additional work directed by a district under a public work contract if:

1. The vendor has not received a written, fully executed change order for the district-directed additional work; and
2. The aggregate actual or anticipated value of the additional work under the vendor's contract terms plus any previous district-directed additional work for which the vendor has not received a written, fully executed change order exceeds 10 percent of the vendor's original public work contract amount.

A subcontractor may elect not to proceed with additional work directed by a vendor under a subcontract if:

1. The subcontractor has not received a written, fully executed change order for the district-directed additional work from the vendor; and
2. The aggregate actual or anticipated value of the additional work under the subcontractor's subcontract terms plus any previous district-directed additional work for which the subcontractor has not received a written, fully executed change order exceeds 10 percent of the subcontractor's subcontract amount.

A vendor or subcontractor who elects not to proceed with additional work is not responsible for damages associated with the election not to proceed.

Gov't Code 2251.0521

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*

Note: For additional requirements related to code compliance, including fees and contracts, see 19 Administrative Code 61.1040(e)(5).

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*

Design Professionals

A district shall designate one design professional to be the prime design professional for a capital improvement project and shall contractually engage the prime design professional to review and coordinate the design of the project, allowing the prime design professional to rely on and contract for other design professionals where appropriate. *19 TAC 61.1040(a)(4), (e)(4)(D)*

A district shall require any design professional contractually engaged to procure professional design services from any other design professional as a subconsultant to select and subcontract the professional design services based on the qualification-based selection process established in Government Code Chapter 2254. [See Procuring Architectural or Engineering Services, below] *19 TAC 61.1040(e)(5)(B)*

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)

Note: For legal provisions related to interlocal contracts, generally, see GRB.

For legal provisions related to using interlocal contracts for purchasing goods and services, see CH.

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

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.

Indemnification

Duty to Defend

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

District as Additional Insured

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

Standard of Care

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

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

In a contract for engineering or architectural services to which a district is a party, a provision establishing a different standard of

care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

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

Local Gov't Code 271.904

Payment and Performance Bonds

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

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

2. A payment bond if the contract is in excess of $25,000.

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

Gov't Code 2253.021(a), (d)-(e)

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

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

Failure to Obtain Payment Bond

If a district fails to obtain from a prime contractor a payment bond as required above or fails to include in a lease the lease terms required by Government Code 2252.909 [see CDB]:

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and

2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property

Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

Gov't Code 2253.027(a)

Bond for Insured Loss

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and
2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

Exception to Bond Requirement

These provisions do not apply to a district when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

Gov't Code 2253.022

Prevailing Wage on Public Works

"Worker" includes a laborer or mechanic. *Gov't Code 2258.001(3)*

A worker employed on a public work by or on behalf of a district shall be paid:

1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and
2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The requirements above do not apply to maintenance work. A worker is employed on a public work for purposes of this provision if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

Gov't Code 2258.021

For a contract for a public work awarded by a district, the board shall determine the general prevailing rate of per diem wages in the district for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or

2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

The board shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A board shall specify in the call for bids for the contract and in the contract itself the wage rates determined under these provisions. The board's determination of the general prevailing rates of per diem wages is final.

Gov't Code 2258.022(a), (c)-(e)

Government Code 2258.022(b) applies to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. *Gov't Code 2258.022(b)*

Enforcement

A board awarding a contract, and an agent or officer of the board, shall:

1. Take cognizance of complaints of all violations of Government Code Chapter 2258 committed in the execution of the contract; and

2. Withhold money forfeited or required to be withheld under Government Code Chapter 2258 from the payments to the contractor under the contract, except that the board may not withhold money from other than the final payment without a determination by the board that there is good cause to believe that the contractor has violated Government Code Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 [see Penalty for Noncompliance, below] by a contractor or subcontractor, a board shall make an initial determination as to whether good cause exists to believe that the violation occurred. A board must

make its determination before the 31st day after the date the board receives the information. A board shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

Gov't Code 2258.051-.052(a)-(c)

Retainage and Reimbursement

A board shall retain any amount due under the contract pending a final determination of the violation. *Gov't Code 2258.052(d)*

Note: Arbitration of unresolved issues is governed by Government Code 2258.053-.055.

A board shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.056(a)-(b)*

Penalty for Noncompliance

The contractor who is awarded a contract by a district or a subcontractor of the contractor shall pay not less than the rates determined under these provisions to a worker employed by it in the execution of the contract. A contractor or subcontractor who violates this provision shall pay to the district on whose behalf the contract is made, $60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A board awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a board awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as required by these provisions. The board shall use any money collected under this provision to offset the costs incurred in the administration of Government Code Chapter 2258. *Gov't Code 2258.023*

Criminal Offense

An officer, agent, or representative of a district commits an offense if the person willfully violates or does not comply with a provision of Government Code 2258. *Gov't Code 2258.058(a)*

Required Workers' Compensation Coverage

A district shall ensure a contract for construction services required to be procured by a method in Government Code Chapter 2269 specifies the contractor's responsibilities for site safety and requires compliance with the requirement to provide workers' compensation insurance in accordance with Labor Code 406.096, below. *19 TAC 61.1040(e)(3)(D)*

A district that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project. Each subcontractor shall provide such a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the district. *Labor Code 406.096(a)-(b)*

A district that enters into a building or construction contract on a project shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverage, using the language required by 28 Administrative Code 110.110(c)(7).

2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverage as set out in 28 Administrative Code 110.110(d).

3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person beginning work on the project.

4. Obtain from the contractor a new certificate of coverage showing extension of coverage:

    a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and

    b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.

5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.

6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.

7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accom-

modate 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 15th 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

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, which may not be waived. A purported waiver of Chapter 2272 is void. *Gov't Code 2272.002(a), .0025*

Intellectual Property All copyrights, trademarks, and other intellectual property rights belonging to the District shall remain with the District at all times. Except as provided by law, policy, or written authorization from the Superintendent, the use of District intellectual property shall be limited to District-related purposes.

Students — A student shall retain all rights to their own work created as part of instruction or using District technology resources.

Employees — As an agent of the District, an employee, including a student employee, shall not have rights to work created on District time or using District technology resources. The District shall own any work or work product created by a District employee in the course and scope of District employment, including the right to obtain patents or copyrights.

District Ownership

Employee Ownership — A District employee shall own any work or work product produced on personal time and with personal equipment and materials, including the right to obtain patents or copyrights.

Exception — The Superintendent shall have the authority to permit use of District materials and equipment in developing the employee's own projects, provided the employee agrees in writing to grant to the District a nonexclusive, nontransferable, perpetual, royalty-free, District-wide license to use the work, or permits the District to be listed as co-author or co-inventor if the District contribution to the work is substantial. District materials do not include student work, all rights to which are retained by the student.

Independent Contractors — The District may hire an independent contractor for specially commissioned works under a written works-made-for-hire agreement that provides that the District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

Return of Intellectual Property — Upon the termination of any person's association with the District, all permission to possess, receive, or modify the District's intellectual property shall also immediately terminate. All such persons shall return to the District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

Copyright Unless the proposed use of a copyrighted work is an exception under the "fair use" guidelines maintained by the Superintendent, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder's work for instructional, curricular, or extracurricu-

lar purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

Technology Use

Use of District technology in violation of any law, including copyright law, is prohibited. Only appropriately licensed images, applications, programs, or other software may be used with District technology resources. The District's technology resources shall not be used to post, publicize, or duplicate information in violation of copyright law. The Superintendent shall employ all reasonable measures to prevent the use of District technology resources in violation of the law. Any person using District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CQ]

Performances and Displays

The display and performance of copyrighted material, including motion pictures, dramatic works, musical performances, or other audio and visual works, may only occur as part of instructional activities and in accordance with the following:

- As a regular part of teaching and directly related to the curriculum;
- During face-to-face teaching activities;
- When viewed in a classroom or designated place of instruction; and
- With a lawfully made copy or through authorized access.

Designated Agent

The District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent's identity. The District shall include on its website information on how to contact the District's designated agent and a copy of the District's copyright policy. Upon notification, the District's designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

If a content owner reasonably believes that the District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

Trademark

The District protects all District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

School-Related Use

The District grants permission to students, student organizations, parent organizations and other District-affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a

campus, or the District, if the use is in furtherance of a school-related business or activity. The Superintendent shall determine what constitutes use in furtherance of a school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

Public Use

Members of the public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without written authorization from the Superintendent. Any production of merchandise with District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses District or campus trademarks without appropriate authorization may be subject to legal action.

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

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBAA	Pre-Employment Reviews
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DC	EMPLOYMENT PRACTICES
DCA	Probationary Contracts
DCB	Term Contracts
DCC	Continuing Contracts
DCD	At-Will Employment
DCE	Other Types of Contracts
DE	COMPENSATION AND BENEFITS
DEA	Compensation Plan
DEAA	Incentives and Stipends
DEAB	Wage and Hour Laws
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
DED	Vacations and Holidays
DEE	Expense Reimbursement
DEG	Retirement
DF	TERMINATION OF EMPLOYMENT
DFA	Probationary Contracts
DFAA	Suspension/Termination During Contract
DFAB	Termination at End of Year
DFAC	Return to Probationary Status
DFB	Term Contracts
DFBA	Suspension/Termination During Contract
DFBB	Nonrenewal
DFC	Continuing Contracts
DFCA	Suspension/Termination
DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFF	Reduction in Force
DFFA	Financial Exigency

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SECTION D: PERSONNEL

DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Gifts and Solicitations
DHB	Reports to State Board for Educator Certification
DHC	Reports to Texas Education Agency
DHE	Searches and Alcohol/Drug Testing
DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	EMPLOYEE RECOGNITION AND AWARDS
DK	ASSIGNMENT AND SCHEDULES
DL	WORK LOAD
DLA	Staff Meetings
DLB	Required Plans and Reports
DM	PROFESSIONAL DEVELOPMENT
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	PERFORMANCE APPRAISAL
DNA	Evaluation of Teachers
DNB	Evaluation of Campus Administrators
DP	PERSONNEL POSITIONS
DPB	Substitute, Temporary, and Part-Time Positions

Note: This policy addresses the prohibition against discrimination, harassment, and retaliation in hiring and discharging employees and with respect to compensation, terms, conditions, or privileges of employment. For provisions related to complaints of discrimination, harassment, and retaliation based on a protected characteristic, see DIA.

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Unlawful Employment Discrimination

It is an unlawful employment practice for a district to fail or refuse to hire or to discharge or to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's:

1. Race, color, or national origin;
2. Religion;
3. Sex;
4. Age;
5. Disability;
6. Genetic information; or
7. Pregnancy.

Federal Law

Section 1981 of the Civil Rights Act of 1866 (Section 1981) — race. *42 U.S.C. 1981*

Title VII of the Civil Rights Act of 1964 (Title VII) — race, color, religion, sex, and national origin. *42 U.S.C. 2000e et seq.*

Age Discrimination in Employment Act of 1967 (ADEA) — age, over 40. *29 U.S.C. 621 et seq.*

Section 504 of the Rehabilitation Act of 1973 (Section 504) — disability in programs receiving federal funds. *29 U.S.C. 794*

Title I of the Americans with Disabilities Act of 1990 (ADA) — disability. *42 U.S.C. 12101 et seq.*

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) — genetic information. *42 U.S.C. 2000ff et seq.*

Title IX of the Education Amendments of 1972 (Title IX) — sex. *20 U.S.C. 1681*

Pregnant Workers Fairness Act (PWFA) — pregnancy. *42 U.S.C. 2000gg et seq.*

Note: Title VII, the ADA, GINA, and PWFA do not apply to employers unless the employer has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. *42 U.S.C. 2000e(b); 42 U.S.C. 12111(5); 42 U.S.C. 2000ff(2)(B); 42 U.S.C. 2000gg(2)(B)*

State Law	Texas Commission on Human Rights Act (TCHRA)—race, color, disability, religion, sex, national origin, age, and genetic information. *Labor Code 21.051, .402* State policy on employment of persons with disabilities. *Human Resources Code 121.003(f)*
Discriminatory Practices	Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). *Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)*
Disparate Treatment	Disparate treatment (intentional discrimination) occurs when members of a protected group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. *29 C.F.R. 1607.11*
Disparate Impact	Disparate impact occurs when an employer uses a particular employment practice that causes a disparate (disproportionate) impact on a protected group and the employer fails to demonstrate that the challenged practice is job-related and consistent with business necessity. *42 U.S.C. 2000e-2(k)(1)(A); Labor Code 21.115, .122*
Limited Exception — Bona Fide Job Qualification	A district may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f); Labor Code 21.119*
Racial Discrimination	The prohibition against discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race. A district commits an unlawful employment practice if the district adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. "Protective hairstyle" includes braids, locks, and twists. *Labor Code 21.1095*
Religious Discrimination	The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless a district demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the district's business. "Undue hardship" means more than a *de*

minimus (minimal) cost. *42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108*

Burden on Free Exercise

A district may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

Unlawful Inquiry into Religious Affiliation

A person employed or maintained to obtain or aid in obtaining positions for public school employees may not directly or indirectly ask about, orally or in writing, the religion or religious affiliation of anyone applying for employment in a public school of this state. A violation of this provision is a Class B misdemeanor. A person who violates this provision is subject to civil penalties. *Education Code 22.901*

Sex Discrimination

The prohibition against discrimination because of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. A district shall treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106*

Pregnancy

Gay and Transgender

The prohibition against discrimination because of sex includes discrimination on the basis of an individual being gay or transgender. *Bostock v. Clayton County, Georgia, 140 S. Ct. 1731 (2020)*

Gender Stereotypes

A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. *Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)*

Equal Pay

A district may not pay an employee at a rate less than the rate the district pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. *29 U.S.C. 206(d) (Equal Pay Act); 34 C.F.R. 106.54 (Title IX)*

Age Discrimination

The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. *29 U.S.C. 631; Labor Code 21.101*

Bona Fide Employee Benefit Plan

A district may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall

require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f); Labor Code 21.102*

Disability Discrimination

A district may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 C.F.R. 1630.4; Labor Code 21.051*

In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted by the IDEA. *34 C.F.R. 300.177(b)*

Discrimination Based on Lack of Disability

The ADA and the TCHRA do not provide a basis for a claim that an individual was subject to discrimination because of the individual's lack of disability. *42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b); Labor Code 21.005(c)*

Definition of Disability

"Disability" means:

1. An actual disability: a physical or mental impairment [see definition, below] that substantially limits one or more of an individual's major life activities;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

"Regarded as" Having an Impairment

An individual meets the requirement of being "regarded as" having an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

Transitory and Minor

The "regarded as" prong of the definition does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less. The "transitory" exception does not apply to the "actual disability" or "record of disability" prongs of the definition.

Mitigating Measures

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices, prosthetics, hearing aids, mobility de-

vices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses and contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

42 U.S.C. 12102(1), (3), (4); 29 C.F.R. 1630.2(g), (j)(1); Labor Code 21.002, .0021

Other Definitions

“Physical or mental impairment” means:

Physical or Mental Impairment

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

2. Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29 C.F.R. 1630.2(h)

Major Life Activities

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

“Major life activities” also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i); Labor Code 21.002

Qualified Individual

“Qualified individual” means an individual who:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and

2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to a district's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

Reasonable Accommodations

A district is required, absent undue hardship, to make a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" or "record of disability" prongs. A district is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong. *42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.2(o)(4), .9; 29 U.S.C. 794; 34 C.F.R. 104.11; Labor Code 21.128* [See DBB regarding medical examinations and inquiries under the ADA]

"Reasonable accommodation" includes:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b)

"Undue hardship" means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the district, and other factors set out in law. *42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)*

Discrimination Based on Relationship

A district shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. *42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8; 34 C.F.R. 104.11*

Illegal Drugs and Alcohol

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when a district acts on the basis of such use.

Drug Testing	A district is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests. *42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A)* [See DHE]
Alcohol Use	The term "qualified individual with a disability" does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 U.S.C. 705(20)(C); 29 C.F.R. 1630.3(a); 28 C.F.R. 35.104; Labor Code 21.002(6)(A)*
Qualification Standards	It is unlawful for a district to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the district, is shown to be job related for the position in question and is consistent with business necessity. *29 C.F.R. 1630.10(a)*
Direct Threat to Health or Safety	As a qualification standard, a district may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. *42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)*
Vision Standards and Tests	A district shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity. *42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)*
Communicable Diseases	A district may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. *42 U.S.C. 12113(e); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e); Labor Code 21.002(6)(B)*
Service Animals	A district that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to Section 504 of the Rehabilitation Act (employment discrimination) shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above] A district that is not subject to either Title I or Section 504 shall comply with Title II of the ADA (discrimination by public entity). An

employer that is subject to Title II shall comply with 28 C.F.R. Part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FBA]. *28 C.F.R. 35.140*

Genetic Information Nondiscrimination Act

For the purpose of compliance with the Genetic Information Nondiscrimination Act (GINA), see 29 C.F.R. 1635.3(c) for the definition of "genetic information."

Definitions

"Genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family members that is not derived from a genetic test.

29 C.F.R. 1635.3(c)

[For the definition of "genetic tests" under GINA, see 29 C.F.R. 1635.3(f).]

A test for the presence of alcohol or illegal drugs is not a genetic test. However, a test to determine whether an individual has a genetic predisposition for alcoholism or drug use is a genetic test. *29 C.F.R. 1635.3(f)*

Prohibited Practices

Discrimination

A district shall not discriminate against an individual on the basis of genetic information in regard to hiring, discharge, compensation, or terms, conditions, or privileges of employment. Notwithstanding the foregoing, a cause of action for disparate impact is not available under GINA. *42 U.S.C. 2000ff-1(a); 29 C.F.R. 1635.4*

Acquisition

Except as set forth below or otherwise provided in the GINA regulations, a district shall not request, require, or purchase genetic information of an individual or family member of the individual. *42 U.S.C. 2000ff-1(b); 29 C.F.R. 1635.8(a)*

"Request" includes:

1. Conducting an internet search on an individual in a way that is likely to result in a district's obtaining genetic information;
2. Actively listening to third-party conversations or searching an individual's personal effects for the purpose of obtaining genetic information; and
3. Making requests for information about an individual's current health status in a way that is likely to result in a district's obtaining genetic information.

29 C.F.R. 1635.8(a)

Disclosure

A district that possesses genetic information, regardless of how the district obtained the information, shall not disclose the information

except as set forth in the GINA regulations. *29 C.F.R. 1635.9(b)* [See Confidentiality, below]

Manifested Condition

A district shall not be considered to be in violation of the GINA regulations based on the use, acquisition, or disclosure of medical information about a manifested disease, disorder, or pathological condition of an employee or member, even if the disease, disorder, or pathological condition has or may have a genetic basis or component. However, genetic information about a manifested disease, disorder, or pathological condition is subject to the requirements and prohibitions of GINA. *29 C.F.R. 1635.12.*

[For additional information about manifested disease, see 29 C.F.R. 1653.3(g).]

Inadvertent Acquisition

The general prohibition against requesting, requiring, or purchasing genetic information does not apply where a district inadvertently requests or requires genetic information of the individual or family member of the individual. This exception applies in situations where a manager or supervisor learns genetic information about an individual by:

1. Overhearing a conversation between the individual and others;
2. Receiving the information during a casual conversation, including in response to an ordinary expression of concern that is the subject of the conversation. This exception does not apply where a manager or supervisor follows up with questions that are probing in nature, such as whether other family members have the condition or whether the individual has been tested for the condition, because the supervisor or official should know that these questions are likely to result in the acquisition of genetic information;
3. Receiving unsolicited information (e.g., where a manager or supervisor receives an unsolicited email about the health of an employee's family member from a co-worker); or
4. Accessing a social media platform that the manager or supervisor was given permission to access by the creator of the profile at issue (e.g., a supervisor and employee are connected on a social networking site and the employee provides family medical history on their page).

29 C.F.R. 1635.8(b)(1)(ii)

Exceptions

Leave Requests

The general prohibition against requesting, requiring, or purchasing genetic information does not apply where the district requests family medical history to comply with the certification provisions or the

Family and Medical Leave Act (FMLA) or state or local family and medical leave laws, or pursuant to a policy (even in the absence of requirements of federal, state, or local leave laws) that permits the use of leave to care for a sick family member and that requires all employees to provide information about the health condition of the family member to substantiate the need for leave. *29 C.F.R. 1635.8(b)(3)*

[For additional exceptions to the general prohibition against requesting, requiring, or purchasing genetic information, see 29 C.F.R. 1635.8(b)(2)-(5).]

Requests for Medical Information

If a district acquires genetic information in response to a lawful request for medical information, the acquisition of genetic information will not generally be considered inadvertent unless the district directs the individual and/or health-care provider from whom it requested medical information not to provide genetic information [see Safe Harbor, below]. *29 C.F.R. 1635.8(b)(1)(i)(A)*

Situations involving lawful requests for medical information include, for example:

1. Requests for documentation to support a request for reasonable accommodation under federal, state, or local law;

2. Requests for medical information as required, authorized, or permitted by federal, state, or local law, such as where an employee requests leave under the FMLA to attend to the employee's own serious health condition or where an employee complies with the FMLA's employee return to work certification requirements; or

3. Requests for documentation to support leave that is not governed by federal, state, or local laws requiring leave, as long as the documentation required to support the request otherwise complies with the requirements of the ADA and other laws limiting a district's access to medical information.

29 C.F.R. 1635.8(b)(1)(i)(D)

Safe Harbor

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if a district uses language such as the following:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for

medical in-formation. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

A district's failure to give such a notice or to use this or similar language will not prevent the district from establishing that a particular receipt of genetic information was inadvertent if the request for medical information was not likely to result in a district's obtaining genetic information (for example, where an overly broad response is received in response to a tailored request for medical information).

29 C.F.R. 1635.8(b)(1)(i)(B), (C)

Employment Examinations

The prohibition on acquisition of genetic information applies to medical examinations related to employment. A district shall tell health-care providers not to collect genetic information, including family medical history, as part of a medical examination intended to determine the ability to perform a job.

Remedial Measures

A district shall take additional reasonable measures within its control if it learns that genetic information is being requested or required in medical examinations related to employment. Such reasonable measures may depend on the facts and circumstances under which a request for genetic information was made, and may include no longer using the services of a health-care professional who continues to request or require genetic information during medical examinations after being informed not to do so.

29 C.F.R. 1635.8(d)

Confidentiality

A district that possesses genetic information in writing about an employee must maintain such information on forms and in medical files (including where the information exists in electronic forms and files) that are separate from personnel files. A district must treat such information as a confidential medical record. A district may maintain genetic information about an employee in the same file in which it maintains confidential medical information under the ADA.

Genetic information placed in personnel files before November 21, 2009, need not be removed. A district will not be liable under the GINA regulations for the mere existence of the information in the file. However, the prohibitions on use and disclosure of genetic information apply to all genetic information that meets the statutory

definition, including genetic information requested, required, or purchased before November 21, 2009.

Genetic information that a district receives orally need not be reduced to writing but may not be disclosed, except as permitted by 29 C.F.R. part 1635.

Genetic information that a district acquires through sources that are commercially and publicly available, as provided by 29 C.F.R. 1635.8(b)(4), is not considered confidential genetic information but may not be used to discriminate against an individual.

29 C.F.R. 1635.9(a)

Disclosure Permitted

A district that possesses any genetic information, regardless of how the district obtained the information (except for genetic information acquired through commercially and publicly available sources), may disclose the information:

1. To the employee (or family member if the family member is receiving genetic services) about whom the information pertains upon receipt of the employee's written request;

2. To an occupational or other health researcher if the research is conducted in compliance with the regulations and protections at 45 C.F.R. part 46;

3. In response to an order of a court. The district may disclose only the genetic information expressly authorized by the order. If the order was secured without the knowledge of the employee to whom the information refers, the district shall inform the employee of the order and any genetic information that was disclosed pursuant to the order;

4. To government officials investigating compliance with Title II of GINA if the information is relevant to the investigation;

5. To the extent the information is disclosed in support of an employee's compliance with the certification provisions of the FMLA or certification requirements under state family and medical leave laws; or

6. To a federal, state, or local public health agency, only with regard to information about the manifestation of a disease or disorder that concerns a contagious disease that presents an imminent hazard of death or life-threatening illness, provided that the individual whose family member is the subject of the disclosure is notified of such disclosure.

29 C.F.R. 1635.9(b)

Relationship to HIPAA Privacy Regulations	The GINA regulations do not apply to the use or disclosure of genetic information that is protected health information subject to regulation under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). *29 C.F.R. 1635.9(c)* [See CRD(LEGAL)]
Pregnant Workers Fairness Act	It is an unlawful employment practice for a district not to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity. *42 U.S.C. 2000gg-1(1); 29 C.F.R. 1636.3(a)*
Interactive Process	It is an unlawful employment practice for a district to require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in 42 U.S.C. 2000gg(7) and described in 29 C.F.R. 1636.3(k). *42 U.S.C. 2000gg-1(2); 29 C.F.R. 1636.4(b)*
Denial of Employment Opportunities	It is an unlawful employment practice for a district to deny employment opportunities to a qualified employee if such denial is based on the need, or potential need, of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee. *42 U.S.C. 2000gg-1(3); 29 C.F.R. 1636.4(c)*
Required Leave	It is an unlawful employment practice for a district to require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee that does not result in an undue hardship for the covered entity; but nothing in this provision prohibits leave as a reasonable accommodation if that is the reasonable accommodation requested or selected by the employee, or if it is the only reasonable accommodation that does not cause an undue hardship. *42 U.S.C. 2000gg-1(4); 29 C.F.R. 1636.4(d)*
Adverse Action	It is an unlawful employment practice for a district to take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee. *42 U.S.C. 2000gg-1(5); 29 C.F.R. 1636.4(e)*
Definitions *Known Limitation*	"Known limitation" means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has

communicated to the district whether or not such condition meets the definition of disability specified in the ADA (42 U.S.C. 12102).

"Known," in terms of limitation, means the employee or the employee's representative has communicated the limitation to the employer.

"Limitation" means a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, of the specific employee in question.

42 U.S.C. 2000gg(4); 29 C.F.R 1636.3(a)

Communicated to the Employer

"Communicated to the employer," with respect to a known limitation, means an employee or the employee's representative has made the employer aware of the limitation by communicating with a supervisor, a manager, someone who has supervisory authority for the employee or who regularly directs the employee's tasks (or the equivalent for an applicant), human resources personnel, or another appropriate official, or by following the steps in the district's policy to request an accommodation. The communication may be made orally, in writing, or by another effective means. The communication need not be in writing, be in a specific format, use specific words, or be on a specific form in order for it to be considered "communicated to the employer." *29 C.F.R. 1636.3(d)*

Consideration of Mitigating Measures

The determination of whether an employee has a limitation shall be made without regard to the ameliorative effects of mitigating measures. The non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an employee has a limitation. *29 C.F.R. 1636.3(e)*

Qualified Employee

The term 'qualified employee' means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if:

1. Any inability to perform an essential function is for a temporary period, where "temporary" means lasting for a limited time, not permanent, and may extend beyond ''in the near future."

2. The essential function(s) could be performed in the near future. This determination is made on a case-by-case basis. If the employee is pregnant, it is presumed that the employee could perform the essential function(s) in the near future because they could perform the essential function(s) within generally 40 weeks of its suspension.

3. The inability to perform the essential function(s) can be reasonably accommodated. This may be accomplished by temporary suspension of the essential function(s) and the employee performing the remaining functions of their position or, depending on the position, other arrangements, including, but not limited to: the employee performing the remaining functions of their position and other functions assigned by the covered entity; the employee performing the functions of a different job to which the covered entity temporarily transfers or assigns the employee; or the employee being assigned to light duty or modified duty or participating in the covered entity's light or modified duty program.

42 U.S.C. 2000gg(6); 29 C.F.R. 1636.3(f)

Exception

An employee with known limitations related to pregnancy, childbirth, or related medical conditions is not required to accept an accommodation. However, if such employee rejects a reasonable accommodation that is necessary to enable the employee to perform an essential function of the position held or desired or to apply for the position, or rejects temporary suspension of an essential function if the employee is qualified under 29 C.F.R. 1636.3(f)(2), and, as a result of that rejection, cannot perform an essential function of the position, or cannot apply, the employee will not be considered "qualified." *29 C.F.R. 1636.3(a)(2)*

Reasonable Accommodation

With respect to an employee or applicant with a known limitation under the PWFA, reasonable accommodation includes:

1. Modifications or adjustments to a job application process that enable a qualified application with a known limitation under the PWFA to be considered for the position such qualified applicant desires;

2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified employee with a known limitation under the PWFA to perform the essential functions of the position;

3. Modifications or adjustments that enable a district's employee with a known limitation under the PWFA to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without known limitations; or

4. Temporary suspension of essential functions and/or modifications or adjustments that permit the temporary suspension of essential functions.

42 U.S.C. 2000gg(7); 29 C.F.R. 1636.3(h)

Unnecessary Delay

An unnecessary delay in providing a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee may result in a violation of the PWFA even if the covered entity eventually provides the reasonable accommodation. In determining whether there has been an unnecessary delay, factors to be considered are described in 29 C.F.R. 1636.4(a)(1)(i)-(vii). *29 C.F.R. 1636.4(a)(1)*

Undue Hardship

Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the following factors:

1. The nature and net cost of the accommodation needed under the PWFA;
2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
3. The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type, and location of its facilities;
4. The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and
5. The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

42 U.S.C. 2000gg(7); 29 C.F.R. 1636.3(j)

Temporary Suspension of an Essential Function

If an employee with a known limitation under the PWFA meets the definition of ''qualified employee'' under this provision and needs one or more essential functions of the relevant position to be temporarily suspended, the covered entity must provide the accommodation unless doing so would impose an undue hardship on the covered entity when considered in light of the factors provided in 29 C.F.R. 1636.3(j)(2)(i) through (v) of this provision as well as the factors described in 29 C.F.R. 1636.3(j)(3)(i)-(vi). *29 C.F.R. 1636.3(j)(3)*

Predictable Assessments

The individualized assessment of whether a modification listed in 29 C.F.R. 1636.3(j)(4)(i) through (iv) of this provision is a reasonable accommodation that would cause undue hardship will, in virtually all cases, result in a determination that the four modifications are reasonable accommodations that will not impose an undue hardship under the PWFA when they are requested as workplace accommodations by an employee who is pregnant. Therefore, with respect to these modifications, the individualized assessment should be particularly simple and straightforward:

1. Allowing an employee to carry or keep water near and drink, as needed;
2. Allowing an employee to take additional restroom breaks, as needed;
3. Allowing an employee whose work requires standing to sit and whose work requires sitting to stand, as needed; and
4. Allowing an employee to take breaks to eat and drink, as needed.

29 C.F.R. 1636.3(j)(4)

Other Forms of Discrimination

Military Service

A district shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. A district shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act (USERRA). *38 U.S.C. 4311* [See also DECB]

Bankruptcy Discrimination

A district may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under federal bankruptcy laws, solely because the bankrupt or debtor is or has been a debtor under federal bankruptcy laws; was insolvent before the commencement of a bankruptcy case or during the case but before the debtor was granted or denied a discharge; or has not paid a debt that is dischargeable in the bankruptcy case or that was discharged under the bankruptcy laws. *11 U.S.C. 525(a)*

Student Loan Repayment

A district that issues a license may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract including by:

1. Denying the person's application for a license or license renewal;
2. Suspending the person's license; or
3. Taking other disciplinary action against the person.

Occupations Code 56.001, .003

Harassment-Free Workplace

Harassment on the basis of a protected characteristic is a violation of Title VII. A district has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 C.F.R. 1604.11(a), 1606.8(a)*

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

29 C.F.R. 1604.11(a), (g); Labor Code 21.141

An employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action. *Labor Code 21.142; 40 TAC 819.12(k)*

Same-Sex Harassment

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

Criminal Offense — Official Oppression

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

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

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

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

Unpaid Interns

A district commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the district or its agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action. *Labor Code 21.1065*

Prohibition on Use of Public Funds

A district may not use public money to settle or otherwise pay a sexual harassment claim made against a person who is an elected or appointed member of the board or an officer or employee of the district. *Local Gov't Code 180.009*

National Origin Harassment

Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

29 C.F.R. 1606.8(b)

Severe and Pervasive

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)*

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

Prevention

A district should take all steps necessary to prevent unlawful harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the is-

sue of harassment under Title VII, and developing methods to sensitize all concerned. *29 C.F.R. 1604.11(f)*

Responsibility for Harassment by Third Parties

A district is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the district, its agents, or its supervisory employees knew or should have known of the conduct, unless the district takes immediate and appropriate corrective action. *29 C.F.R. 1604.11(d), (e), 1606.8(d), (e)*

When no tangible employment action is taken, a district may raise the following affirmative defense:

1. That the district exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Indus., Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Prohibition on Retaliation

A district may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 42 U.S.C. 12203 (ADA); 42 U.S.C. 2000ff-6(f) (GINA); 42 U.S.C. 2000gg-2(f) (PWFA); Labor Code 21.055; 40 TAC 819.12(e)*

Notices

A district shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e-10*

Section 504 Notice

A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the district does not discriminate in employment in its programs and activities; and
2. The identity of the district's 504 coordinator.

Methods of notification may include:

1. Posting of notices;

2. Publication in newspapers and magazines;

3. Placing notices in district publications; and

4. Distributing memoranda or other written communications.

If a district publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

34 C.F.R. 104.8

Employment Postings

A district shall not print or publish any notice or advertisement relating to district employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b); Labor Code 21.059*

School Bus Drivers

A person shall not drive a school bus, school activity bus, or multifunction school activity bus unless he or she is physically qualified to do so. Each school bus driver shall undergo and successfully complete an annual physical examination in accordance with the requirements of 49 C.F.R. 391.41 and 391.43, which list those physical and mental conditions for which the medical examiner is directed to disqualify an applicant. A driver shall not operate a school bus, school activity bus, or multifunction school activity bus unless he or she has in his or her possession the original, or photographic copy, of the medical examiner's certificate stating that the driver is physically qualified to drive a school bus, school activity bus, or multifunction school activity bus. *Transp. Code 521.022; 37 TAC 14.12*

A person disqualified on the basis of the medical examination may request special consideration in accordance with 37 Administrative Code 14.13.

Definitions

The definitions related to individuals with disabilities and exceptions to those definitions included in policy DAA shall be used in applying and interpreting this policy and any local policy adopted in conjunction with this policy.

Bloodborne Pathogen Control

A district that employs employees who provide services in a public or private facility providing health care-related services, or who otherwise have a risk of exposure to blood or other material potentially containing bloodborne pathogens in connection with exposure to sharps shall comply with the minimum standards set by the Texas Department of State Health Services (TDSHS). This includes a district that operates a public school health clinic.

"Sharp" Defined

A "sharp" is an object used or encountered in a health-care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur.

Exposure Control Plan

The TDSHS has developed an exposure control plan as a model plan to achieve the minimum standards in Health and Safety Code 81.304. The plan is designed to minimize exposure of employees to bloodborne pathogens and includes policies relating to occupational exposure to bloodborne pathogens, training and educational requirements for employees, measures to increase vaccination of employees, and increased use of personnel protective equipment by employees.

The TDSHS Bloodborne Pathogens Exposure Control Plan requires a district to:

1. Develop, review annually, update as necessary, and document its actions regarding a comprehensive exposure control plan appropriate to the district and its particular facilities;
2. Provide, at district expense, personal protective equipment and Hepatitis B vaccinations to affected employees, and if an employee declines to be vaccinated, maintain a record of the employee's written refusal;
3. Provide to affected employees pre-service and annual refresher training as described in the TDSHS Exposure Control Plan;
4. Record all exposure incidents (e.g., "sticks" by needles or other "sharps") in a sharps injury log and report the sharps injury to TDSHS on a standardized form; and
5. Provide a post-exposure evaluation and follow up with an employee who has a sharps injury.

Health and Safety Code 81.301-.306; 25 TAC Ch. 96

Cost of Testing

If certified emergency medical services personnel, an emergency response employee or volunteer, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital is accidentally exposed to blood or other body fluids of a patient, the hospital to which the patient is transported shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease. A district that employs the person, or for which the person works as a volunteer in connection with rendering the assistance, is responsible for paying the costs of the test. *Health and Safety Code 81.095(b)*

Genetic Information

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if a district uses language such as that at 29 C.F.R. 1635.8(b)(1)(i)(B). *29 C.F.R. 1635.8(b)(1)(i)(A)* [See DAA]

Pre-employment Inquiries and Employment Entrance Examinations

A district shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of a disability, except as provided below. However, a district is permitted to make pre-employment inquiries into the ability of an applicant to perform job-related functions, such as asking an applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions. *42 U.S.C. 12112(d)(2); 29 C.F.R. 1630.14(a)*

A district may require a medical examination (and/or inquiry) after an offer of employment has been made to a job applicant and prior

to the beginning of employment duties and may condition the offer on the results of such examination (and/or inquiry), provided all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

The results of an employment entrance medical examination shall be used only to determine the applicant's ability to perform job-related functions.

42 U.S.C. 12112(d)(3); 29 C.F.R. 1630.14(b)

Confidentiality

Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical records. However, supervisors and managers may be informed regarding necessary restrictions on the employee's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment. *29 C.F.R. 1630.14(b), (c)*

Examination During Employment

The district may require a medical examination (and/or inquiry) of an employee that is job related and consistent with business necessity and may make inquiries into the ability of an employee to perform job-related functions.

Placement on Temporary Disability

The board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. Such a policy must reserve to the educator the right to present to the board testimony or other information relevant to the educator's fitness to continue the performance of regular duties. [See also DEC]

The results of an employee's medical examination shall be used only to determine the employee's ability to perform job-related functions.

42 U.S.C. 12112(d)(3)-(4); 29 C.F.R. 1630.14(c); Education Code 21.409(c)

Note: This policy summarizes the Family and Medical Leave Act (FMLA) and implementing regulations, including FML for an employee seeking leave because of a relative's military service. For provisions on leaves in general, see DEC. For provisions addressing leave for an employee's military service, see DECB.

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General Provisions

Covered Employer

All public elementary and secondary schools are "covered employers" under the FMLA, without regard to the number of employees employed. The term "employer" includes any person who acts directly or indirectly in the interest of a district to any of the district's employees. *29 U.S.C. 2611(4), 2618(a); 29 C.F.R. 825.104(a)*

Eligible Employee

"Eligible employee" means an employee who:

1. Has been employed by a district for at least 12 months. The 12 months need not be consecutive;
2. Has been employed by a district for at least 1,250 hours of service during the 12-months immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the district within 75 miles of that worksite.

29 U.S.C. 2611(2); 29 C.F.R. 825.110

[A district that has no eligible employees must comply with the requirements at General Notice, below.]

Qualifying Reasons for Leave

A district shall grant leave to eligible employees:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care [For the definitions of "adoption" and "foster care," see 29 C.F.R. 825.122.];
3. To care for the employee's spouse, son or daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job [For the definition of "serious health condition," see 29 C.F.R. 825.113.];
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) [For the definition of "military member," see 29 C.F.R. 825.126(b). For the definition of "covered active duty" and "call to covered active duty status," see 29 C.F.R. 825.102.]; and
6. To care for a covered service member with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the service

member. [For the definitions of “covered service member” and “serious injury or illness,” see 29 C.F.R. 825.102, .122.]

29 U.S.C. 2612(a); 29 C.F.R. 825.112

For provisions regarding treatment for substance abuse, see 29 C.F.R. 825.119.

Qualifying Exigency

An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

1. Short-notice deployment.
2. Military events and related activities.
3. Childcare and school activities.
4. Financial and legal arrangements.
5. Counseling.
6. Rest and recuperation.
7. Post-deployment activities.
8. Parental care.
9. Additional activities, provided that the district and employee agree that the leave shall qualify as an exigency and agree to both the timing and duration.

29 C.F.R. 825.126

Pregnancy or Birth

Both parents are entitled to FMLA leave to be with a healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. In addition, the expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health-care provider during the absence and even if the absence does not last for more than three consecutive calendar days. A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated, during her prenatal care, or following the birth of a child if the spouse has a serious health condition. [For the definition of “needed to care for,” see 29 C.F.R. 825.124.] *29 C.F.R. 825.120*

Definitions

“Equivalent Position”

An “equivalent position” is one that is virtually identical to the employee's former position in terms of pay, benefits, and working conditions, including privileges, perquisites, and status. It must involve the same or substantially similar duties and responsibilities, which

must entail substantially equivalent skill, effort, responsibility, and authority. *29 C.F.R. 825.215(a)*

"Next of Kin" "Next of kin of a covered service member" (for purposes of military caregiver leave) means:

1. The blood relative specifically designated in writing by the covered service member as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. The designated individual shall be deemed to be the covered service member's only next of kin; or
2. When no such designation has been made, the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority:
    a. Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions,
    b. Brothers and sisters,
    c. Grandparents,
    d. Aunts and uncles, and
    e. First cousins.

    If there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

29 C.F.R. 825.127(d)(3)

"Parent" "Parent" (for purposes of family, medical, and qualifying exigency leave) means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents "in law." *29 C.F.R. 825.122*

For the definition of "parent of a covered service member" for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(2).

"Son or Daughter" "Son or daughter" (for purposes of family and medical leave) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence. *29 C.F.R. 825.122*

For the definition of “son or daughter on active duty or call to active duty status” for purposes of qualifying exigency leave, see 29 C.F.R. 825.122.

For the definition of “son or daughter of a covered service member” for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(1).

“Spouse”

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.

This definition includes an individual in a same-sex or common law marriage that either:

1. Was entered into in a state that recognizes such marriages; or
2. If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

29 C.F.R. 825.102, .122

Leave Entitlement and Use

Amount of Leave

Except in the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during a 12-month period for any one or more of the qualifying reasons.

Spouses who are employed by the same district may be limited to a combined total of 12 weeks of FMLA leave during any 12-month period if leave is taken for the birth of a son or daughter, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

29 U.S.C. 2612(a), (f); 29 C.F.R. 825.120(a)(3), .200, .201

Determining the 12-Month Period

Except with respect to military caregiver leave, a district may choose any one of the following methods for determining the “12-month period” in which the 12 weeks of leave entitlement occurs:

1. The calendar year;
2. Any fixed 12-month “leave year,” such as a fiscal year or a year starting on an employee's “anniversary” date;
3. The 12-month period measured forward from the date any employee's first FMLA leave begins; or

4. A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

29 C.F.R. 825.200(b)

Military Caregiver Leave

In the case of military caregiver leave, an eligible employee’s FMLA leave entitlement is limited to a total of 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” is measured forward from the date an employee’s first FMLA leave to care for the covered service member begins, regardless of the method used by a district to determine the 12-month period for other FMLA leaves. During the “single 12-month period,” an eligible employee’s FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *29 C.F.R. 825.200(f), (g)*

Spouses who are employed by the same district may be limited to a combined total of 26 weeks of FMLA leave during the “single 12-month period” if leave is taken as military caregiver leave, for the birth of a son or daughter, for the placement of a child for adoption or foster care, or to care for a parent with a serious health condition. *29 C.F.R. 825.127(e)(3)*

Summer Vacation and Other Extended Breaks

If a district’s activity temporarily ceases and employees generally are not expected to report for work for one or more weeks (e.g., a school closing for two weeks for the Christmas/New Year holiday), those days do not count against the employee’s FMLA leave entitlement. Similarly, the period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.200(h), .601(a)*

Intermittent or Reduced Leave Schedule

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. “Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A “reduced leave schedule” is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

For leave taken because of the employee’s own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or military caregiver leave, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Leave due to a qualifying exigency may also be taken on an intermittent or reduced schedule basis.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may

take leave intermittently or on a reduced leave schedule only if the district agrees.

29 U.S.C. 2612(b); 29 C.F.R. 825.102, .202

Transfer to Alternative Position

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, a district may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *29 U.S.C. 2612(b)(2); 29 C.F.R. 825.204*

Calculating Leave Use

When an employee takes leave on an intermittent or reduced schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. A district must account for intermittent or reduced schedule leave using an increment no greater than the shortest period of time that the district uses to account for use of other forms of leave, provided the increment is not greater than one hour. *29 C.F.R. 825.205*

Special Rules for Instructional Employees

Special rules apply to certain employees of school districts. These special rules affect leave taken intermittently or on a reduced schedule, or taken near the end of an academic term (semester) by instructional employees.

"Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

29 C.F.R. 825.600

Failure to Provide Notice of Foreseeable Leave

If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, a district may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, a district may require the employee to delay the taking of leave until the notice provision is met. *29 C.F.R. 825.601(b)*

20 Percent Rule

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered service member, or for the employee's own serious health condition; the leave is foreseeable based on planned medical treatment; and the employee would be on leave for more than 20 percent of the total

number of working days over the period the leave would extend, a district may require the employee to choose:

1. To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

2. To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

"Periods of a particular duration" means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave. If an employee chooses to take leave for "periods of a particular duration" in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

29 U.S.C. 2618(c); 29 C.F.R. 825.601, .603

Leave at the End of a Semester

As a rule, a district may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, the district may in certain cases require the employee to take leave until the end of the semester.

The school semester, or "academic term," typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of the FMLA.

If a district requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the district to the end of the semester is not counted as FMLA leave; however, the district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

29 U.S.C. 2618(d); 29 C.F.R. 825.603

More Than Five Weeks Before End of Semester

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave more than five weeks before the end of the semester;

2. The leave will last at least three weeks; and

3. The employee would return to work during the three-week period before the end of the semester.

During Last Five Weeks of Semester

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave during the last five weeks of the semester for any reason other than the employee's own serious health condition or a qualifying exigency;
2. The leave will last more than two weeks; and
3. The employee would return to work during the two-week period before the end of the semester.

During Last Three Weeks of Semester

A district may require an instructional employee to continue taking leave until the end of the semester if the employee begins leave during the three-week period before the end of the semester for any reason other than the employee's own serious health condition or a qualifying exigency.

29 C.F.R. 825.602

Substitution of Paid Leave

Generally, FMLA leave is unpaid leave. However, an employee may choose to substitute accrued paid leave for unpaid FMLA leave. If an employee does not choose to substitute accrued paid leave, a district may require the employee to do so. The term "substitute" means that the paid leave provided by the district, and accrued pursuant to established policies of the district, will run concurrently with the unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the district's normal leave policy. *29 U.S.C. 2612(d); 29 C.F.R. 825.207(a)*

Compensatory Time

If an employee requests and is permitted to use accrued compensatory time to receive pay during FMLA leave, or if a district requires such use, the compensatory time taken may be counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.207(f)*

FMLA and Workers' Compensation

A serious health condition may result from injury to the employee "on or off" the job. If a district designates the leave as FMLA leave, the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, neither the employee nor the district may require the substitution of paid leave. However, a district and an employee may agree, where state law permits, to have paid leave supplement workers' compensation benefits.

If the health-care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a “light duty job” but is unable to return to the same or equivalent job, the employee may decline the district’s offer of a “light duty job.” As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the district may require the use of accrued paid leave.

29 C.F.R. 825.207(e)

Maintenance of Health Benefits

During any FMLA leave, a district must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

An employee may choose not to retain group health plan coverage during FMLA leave. However, when the employee returns from leave, the employee is entitled to be reinstated on the same terms as before taking leave without any qualifying period, physical examination, exclusion of pre-existing conditions, and the like.

29 U.S.C. 2614(c); 29 C.F.R. 825.209

Payment of Premiums

During FMLA leave, the employee must continue to pay the employee’s share of group health plan premiums. If premiums are raised or lowered, the employee would be required to pay the new premium rates. *29 C.F.R. 825.210*

Failure to Pay Premiums

Unless a district has an established policy providing a longer grace period, a district’s obligations to maintain health insurance coverage cease if an employee's premium payment is more than 30 days late. In order to terminate the employee’s coverage, the district must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, if the required 15-day notice has been provided.

Upon the employee's return from FMLA leave, the district must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed. The employee may not be required to meet any qualification requirements imposed by the

plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage.

29 C.F.R. 825.212

Recovery of Benefit Cost

If an employee fails to return to work after FMLA leave has been exhausted or expires, a district may recover from the employee its share of health plan premiums during the employee's unpaid FMLA leave, unless the employee's failure to return is due to one of the reasons set forth in the regulations. A district may not recover its share of health insurance premiums for any period of FMLA leave covered by paid leave. *29 C.F.R. 825.213*

Right to Reinstatement

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. *29 C.F.R. 825.214, .216(a)*

Moonlighting During Leave

If a district has a uniformly applied policy governing outside or supplemental employment, the policy may continue to apply to an employee while on FMLA leave. A district that does not have such a policy may not deny FMLA benefits on the basis of outside or supplemental employment unless the FMLA leave was fraudulently obtained. *29 U.S.C. 2618(e); 29 C.F.R. 825.216(e)*

Reinstatement of School Employees

A district shall make the determination of how an employee is to be restored to "an equivalent position" upon return from FMLA leave on the basis of established school board policies and practices. The "established policies" must be in writing, must be made known to the employee before the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to "an equivalent position" must provide substantially the same protections as provided in the FMLA. For example, an employee may not be restored to a position requiring additional licensure or certification. *29 C.F.R. 825.604*

Pay Increases and Bonuses

An employee is entitled to any unconditional pay increases that may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with a district's policy or practice with respect to other employees on an

equivalent leave status for a reason that does not qualify as FMLA leave.

Equivalent pay includes any bonus or payment, whether it is discretionary or non-discretionary. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then an employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

29 C.F.R. 825.215(c)

Key Employees

A district may deny job restoration to a key employee if such denial is necessary to prevent substantial and grievous economic injury to the operations of the district. *29 U.S.C. 2614(b); 29 C.F.R. 825.217-.219*

Notices and Medical Certification

Employer Notices

General Notice

Every covered employer must post on its premises a notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints with the Department of Labor's Wage and Hour Division. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. Covered employers must post this general notice even if no employees are eligible for FMLA leave.

If a district has any eligible employees, it shall also:

1. Include the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if such written materials exist; or
2. Distribute a copy of the general notice to each new employee upon hiring.

Electronic posting is sufficient if it meets the other requirements of this section.

If a district's workforce is comprised of a significant portion of workers who are not literate in English, the district shall provide the general notice in a language in which the employees are literate.

A district may use Department of Labor (DOL) form WHD 1420 or may use another format so long as the information provided includes, at a minimum, all of the information contained in that notice.

29 C.F.R. 825.300(a)

Eligibility Notice

When an employee requests FMLA leave, or when a district acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the district must notify the employee of the employee's eligibility to take FMLA leave. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.

A district must provide the eligibility notice within five business days, absent extenuating circumstances. Notification of eligibility may be oral or in writing. The district may use DOL form WH-381 to provide such notification to employees. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(b)

Rights and Responsibilities Notice

Each time a district provides an eligibility notice to an employee, the district shall also provide a written rights and responsibilities notice. The rights and responsibilities notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(c)(1).

A district may use DOL form WH-381 to provide such notification to employees. A district may adapt the prototype notice as appropriate to meet these notice requirements. The notice may be distributed electronically if it meets the other requirements of this section. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(c)

Designation Notice

When a district has enough information to determine whether leave is being taken for an FMLA-qualifying reason, the district must notify the employee whether the leave will be designated as FMLA leave. If the district determines that the leave will not be designated as FMLA-qualifying, the district must notify the employee of that determination. Absent extenuating circumstances, a district must provide the designation notice within five business days.

A district may use DOL form WH-382 to provide such notification to employees. If the leave is not designated as FMLA leave because it does not meet the requirements of the Act, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

The designation notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(d)(1) (substitution of paid leave), (d)(3) (fitness for duty certification), and (d)(6) (amount

of leave charged against FMLA entitlement). For further provisions on designation of leave, see 29 C.F.R. 825.301.

29 C.F.R. 825.300(d)

Retroactive Designation

A district may retroactively designate leave as FMLA leave, with appropriate notice to the employee, if the district's failure to timely designate leave does not cause harm or injury to the employee. In addition, a district and an employee may agree that leave will be retroactively designated as FMLA leave. *29 C.F.R. 825.301(d)*

Employee Notice

An employee giving notice of the need for FMLA leave must state a qualifying reason for the leave and otherwise satisfy the requirements for notice of foreseeable and unforeseeable leave, below. The employee does not need to expressly assert rights under the Act or even mention the FMLA. *29 C.F.R. 825.301*

Foreseeable Leave

An employee must provide at least 30 days' advance notice before FMLA leave is to begin if the need for leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment of the employee, a family member, or a covered service member. If 30 days' notice is not practicable, the employee must give notice as soon as practicable. For leave due to a qualifying exigency, the employee must provide notice as soon as practicable regardless of how far in advance the leave is foreseeable.

When planning medical treatment, the employee must consult with the district and make a reasonable effort to schedule the treatment so as not to disrupt unduly the district's operations, subject to the approval of the health-care provider.

29 C.F.R. 825.302

Unforeseeable Leave

When the approximate timing of leave is not foreseeable, an employee must provide notice to a district as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the district's usual and customary notice requirements applicable to such leave. *29 C.F.R. 825.303*

Compliance with District Requirements

A district may require an employee to comply with its usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. If an employee does not comply with usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied. *29 C.F.R. 825.302(d), .303(c)*

Certification of Leave

A district may require that an employee's FMLA leave be supported by certification, as described below. The district must give notice of a requirement for certification each time certification is required. At the time the district requests certification, the district must advise the employee of the consequences of failure to provide adequate certification. *29 C.F.R. 825.305(a)*

Timing

In most cases, a district should request certification at the time the employee gives notice of the need for leave or within five business days thereafter or, in the case of unforeseen leave, within five business days after the leave commences. The district may request certification at a later date if the district later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the district within 15 calendar days after the district's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. *29 C.F.R. 825.305(b)*

Incomplete or Insufficient Certification

A district shall advise an employee if it finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The district must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent, good faith efforts) to cure any such deficiency.

A certification is “incomplete” if one or more of the applicable entries have not been completed. A certification is “insufficient” if it is complete, but the information provided is vague, ambiguous, or non-responsive. A certification that is not returned to the district is not considered incomplete or insufficient, but constitutes a failure to provide certification.

29 C.F.R. 825.305(c)

Medical Certification of Serious Health Condition

When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, a district may require the employee to obtain medical certification from a health-care provider. A district may use DOL optional form WH-380-E when the employee needs leave due to the employee's own serious health condition and optional form WH-380-F when the employee needs leave to care for a family member with a serious health condition. A district may not require information beyond that specified in the FMLA regulations.

An employee may choose to comply with the certification requirement by providing the district with an authorization, release, or waiver allowing the district to communicate directly with the health-care provider.

For the definition of “health-care provider,” see 29 C.F.R. 825.125.

29 C.F.R. 825.306

Genetic Information

A district subject to the Genetic Information Nondiscrimination Act (GINA) shall comply with the GINA rules with respect to a request for medical information. *29 C.F.R. 1635.8(b)(1)(i)(A)* [See DAA]

Authentication and Clarification

If an employee submits a complete and sufficient certification signed by the health-care provider, a district may not request additional information from the health-care provider. However, the district may contact the health-care provider for purposes of clarification and authentication of the certification after the district has given the employee an opportunity to cure any deficiencies, as set forth above. To make such contact, a district must use a health-care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances may the employee’s direct supervisor contact the employee's health-care provider.

“Authentication” means providing the health-care provider with a copy of the certification and requesting verification that the information on the form was completed and/or authorized by the health-care provider who signed the document; no additional medical information may be requested.

“Clarification” means contacting the health-care provider to understand the handwriting on the certification or to understand the meaning of a response. A district may not ask the health-care provider for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually identifiable health information of an employee is shared with a district by a HIPAA-covered health-care provider.

29 C.F.R. 825.307(a)

Second and Third Opinions

If a district has reason to doubt the validity of a medical certification, the district may require the employee to obtain a second opinion at the district’s expense. If the opinions of the employee’s and the district’s designated health-care providers differ, the district may require the employee to obtain certification from a third health-care provider, again at the district’s expense. *29 C.F.R. 825.307(b), (c)*

Foreign Medical Certification

If the employee or a family member is visiting another country, or a family member resides in another country, and a serious health condition develops, the district shall accept medical certification as well as second and third opinions from a health-care provider who practices in that country. If the certification is in a language other

than English, the employee must provide the district with a written translation of the certification upon request. *29 C.F.R. 825.307(f)*

Recertification

A district may request recertification no more often than every 30 days and only in connection with an absence by the employee, except as set forth in the FMLA regulations. The district must allow at least 15 calendar days for the employee to provide recertification.

As part of the recertification for leave taken because of a serious health condition, the district may provide the health-care provider with a record of the employee's absence pattern and ask the health-care provider if the serious health condition and need for leave is consistent with such a pattern.

29 C.F.R. 825.308

Certification — Qualifying Exigency Leave

The first time an employee requests leave because of a qualifying exigency, a district may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service.

A district may also require that the leave be supported by a certification that addresses the information at 29 C.F.R. 825.309(b). The district may use DOL optional form WH-384, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations.

29 C.F.R. 825.309

Certification — Military Caregiver Leave

When an employee takes military caregiver leave, a district may require the employee to obtain a certification completed by an authorized health-care provider of the covered service member. In addition, the district may request that the employee and/or covered service member address in the certification the information at 29 C.F.R. 825.310(c). The district may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill service member.

A district may use DOL optional form WH-385, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations. A district must accept as sufficient certification "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill service member at his or her bedside.

A district may seek authentication and/or clarification of the certification under the procedures described above. Second and third opinions, and recertifications, are not permitted for leave to care for a covered service member.

29 C.F.R. 825.310

Intent to Return to Work

A district may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The district's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation. *29 C.F.R. 825.311*

Fitness for Duty Certification

As a condition of restoring an employee who took FMLA leave due to the employee's own serious health condition, a district may have a uniformly applied policy or practice that requires all similarly situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health-care provider that the employee is able to resume work. A district may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. *29 C.F.R. 825.312*

Failure to Provide Certification

If the employee fails to provide the district with a complete and sufficient certification, despite the opportunity to cure, or fails to provide any certification, the district may deny the taking of FMLA leave. This provision applies in any case where a district requests a certification, including any clarifications necessary to determine if certifications are authentic and sufficient. *29 C.F.R. 825.305*

For failure to provide timely certification of foreseeable leave, see 29 C.F.R. 825.313(a). For failure to provide timely certification of unforeseeable leave, see 29 C.F.R. 825.313(b). For failure to provide timely recertification, see 29 C.F.R. 825.313(c). For failure to provide timely fitness-for-duty certification, see 29 C.F.R. 825.313(d).

Miscellaneous Provisions

Records

A district shall make, keep, and preserve records pertaining to its obligations under the FMLA in accordance with the recordkeeping requirements of the Fair Labor Standards Act (FLSA) and the FMLA regulations. A district shall keep these records for no less than three years and make them available for inspection, copying, and transcription by representatives of the DOL upon request.

If the district is preserving records electronically, the district must comply with 29 C.F.R. 825.500(b). A district that has eligible employees must maintain records with the data set forth at 29 C.F.R. 825.500(c). A district that has no eligible employees must maintain

just the data at 29 C.F.R. 825.500(c)(1). For districts in a joint employment situation, see 29 C.F.R. 825.500(e).

Records and documents relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files.

If the Genetic Information Nondiscrimination Act (GINA) is applicable, records and documents created for purposes of FMLA leave that contain family medical history or genetic information shall be maintained in accordance with the confidentiality requirements of GINA (see 29 C.F.R. 1635.9), which permit such information to be disclosed consistent with the requirements of the FMLA. [For information regarding GINA, see DAA(LEGAL).]

If the Americans with Disabilities Act (ADA) is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements [see 29 C.F.R. 1630.14(c)(1)], except as set forth in this section of the regulations.

29 C.F.R. 825.500

Prohibition Against Discrimination and Retaliation

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. *29 U.S.C. 2615; 29 C.F.R. 825.220*

Note: This policy addresses leave for an employee's military service. For provisions on leaves in general, see DEC. For provisions regarding the Family and Medical Leave Act (FMLA), including family and medical leave for an employee seeking leave because of a relative's military service, see DECA.

Federal Military Leave

Reemployment

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301-4335, and its regulations at 20 C.F.R. Part 1002 if:

1. Unless notice is precluded by military necessity or is otherwise unreasonable or impossible, the person, or an appropriate officer of the uniformed service in which such service is performed, has given advance written or verbal notice of such service to such person's employer;

2. The cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years, calculated in accordance with 38 U.S.C. 4312(c); and

3. The person reports to or submits an application for reemployment to such employer in accordance with the provisions of 38 U.S.C. 4312(e) and (f) and 20 C.F.R. Part 1002, Subpart C.

38 U.S.C. 4312(a)-(c); 20 C.F.R. 1002.5(1)

For purposes of federal military leave, the term "uniformed services" means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; the commissioned officer corps of the National Oceanic and Atmospheric Administration (NOAA); system members of the National Urban Search and Rescue Response System during a period of appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; intermittent personnel who are appointed into Federal Emergency Management Agency service under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and any other category of persons designated by the president in time of war or emergency.

The term “service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty; active duty for training; initial active duty for training; inactive duty training; full-time National Guard duty; state active duty for a period of 14 days or more; state active duty in response to a national emergency declared by the president under the National Emergencies Act, 50 U.S.C. 1601 et seq.; state active duty in response to a major disaster declared by the president under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170; a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty; a period for which a system member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; a period for which a person is absent from a position of employment due to an appointment into service in the Federal Emergency Management Agency as intermittent personnel under section 306(b)(1) of the Robert B. Stafford Disaster Relief and Emergency Assistance Act; and a period for which a person is absent from employment for the purpose of performing funeral honors duty.

The term “state active duty” means training or other duty, other than inactive duty, performed by a member of the National Guard of a state not under 32 U.S.C. 502 or under U.S.C. Title 10; in service to the governor of a state; and for which the member is not entitled to pay from the federal government.

A person who is reemployed under USERRA is entitled to the seniority, and other rights and benefits determined by seniority, that the person had on the date of the commencement of uniformed service, plus the additional seniority, rights, and benefits that such person would have attained if the person had remained continuously employed.

38 U.S.C. 4303(13), (15)-(16), 4316(a)

Exceptions

An employer, including a school district is not required to reemploy a person if:

1. The employer’s circumstances have so changed as to make reemployment impossible or unreasonable;

2. The person is entitled to reemployment under 38 U.S.C. 4313(a)(3), 4313(a)(4), or 4313(b)(2)(B), and the reemployment of the person would impose an undue hardship on the employer; or

3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4312(d)

A person's entitlement to the benefits of 38 U.S.C. Chapter 43 by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

1. A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.
2. A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the U.S. secretary concerned.
3. A dismissal of such person permitted under or a dropping of such person from the rolls pursuant to 10 U.S.C. 1161(a) (dismissal of commissioned officers).

38 U.S.C. 4304

Notice

Each employer shall provide to persons entitled to rights and benefits under 38 U.S.C. Chapter 43 a notice of the rights, benefits, and obligations of such persons and such employers. The requirement for the provision of notice may be met by the posting of the notice where employers customarily place notices for employees. The U.S. Secretary of Labor shall provide to employers the text of the notice. *38 U.S.C. 4334*

State Protections for Member of Military or Rescue Team

Paid Leave of Absence

A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state, including a school district, who is a member of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person’s duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. *Gov’t Code 437.202(a)*

In addition to the leave provided under Government Code 437.202(a), a person described by Section 437.202(a) called to state active duty by the governor or another appropriate authority in response to a disaster is entitled to a paid leave of absence from

the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year. During a leave of absence under this provision, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. For purposes of this provision, "disaster" has the meaning assigned by Government Code 418.004. *Gov't Code 437.202(a-1)*

Notice

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall provide written notice of the number of workdays of paid leave to which an officer or employee is entitled each fiscal year under Government Code 437.202(a) on employment, in the case of an employee, or as soon as practicable after appointment or election, in the case of an officer.

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall, on the request of an officer or employee described by Government Code 437.202(a), provide to that officer or employee a statement that contains the number of workdays for which the officer or employee claimed paid leave under section 437.202(a) in that fiscal year.

Gov't Code 437.202(e)-(f)

Return to Employment

An employee of this state or a municipality, a county, or another political subdivision of this state with at least five full-time employees who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team and who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. An employer, including a school district, may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. *Gov't Code 437.202(d), .204(a)*

Reemployment

A public employee, other than a temporary employee, who leaves a state position or a position with a local governmental entity, including a school district, to enter active military service is entitled to be reemployed by the state or the local governmental entity in the same department, office, commission, or board of this state, a state institution, or local governmental entity in which the employee

was employed at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position.

"Military service" means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard, or the Texas State Guard.

Gov't Code 613.001(2)-(3), .002

Exception A public employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the department, office, commission, or board of the state, a state institution, or a local governmental entity in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay. *Gov't Code 613.003*

Application To be reemployed, a veteran must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. The application must be made in writing to the head of the department, office, commission, or board of this state, the state institution, or the local governmental entity and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov't Code 613.004*

Discharge A person reemployed under Government Code Chapter 613 shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov't Code 613.005*

Application of Federal Laws to Texas Military Members Called to Duty

A service member of the Texas military forces who is ordered to state active duty or to state training or other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections provided to persons:

1. Performing service in the uniformed services as provided by 38 U.S.C. 4301-4313 and 4316-4319 (USERRA); and
2. In the military service of the United States as provided by 50 U.S.C. 3901-3959, 3991, and 4011-4026 (Servicemembers Civil Relief Act).

Gov't Code 437.213

Use of Personal Leave

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

A district may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

Employee Free Speech

District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

Garcetti v. Ceballos, 547 U.S. 410 (2006); Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969) [See also GKD]

Whistleblower Protection

A board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by a district or another public employee to an appropriate law enforcement authority.

A "report" is made to an "appropriate law enforcement authority" if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

Gov't Code 554.002

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov't Code 554.008*

Definitions

"Employee" means an employee or appointed officer who is paid to perform services for a district. It does not include independent contractors. *Gov't Code 554.001(4)*

"Law" means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov't Code 554.001(1)*

A "good faith" belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:
   a. Regulate under or enforce the law alleged to be violated in the report, or
   b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dep't of Transp. v. Needham, 82 S.W.3d 314 (Tex. 2002)

Whistleblower Complaints

An employee who alleges a violation of whistleblower protection may sue a district for injunctive relief, actual damages, court costs, and attorney's fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

Initiate Grievance

Before suing, an employee must initiate action under a district's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke a district's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Legal Action

If a board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust a district's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate district grievance procedures and sue within the timelines established by Government Code 554.005 and 554.006.

Gov't Code 554.005, 554.006 [See DGBA regarding grievance procedures]

Burden of Proof	If the employee brings a lawsuit, the employee has the burden of proof unless the suspension, termination, or adverse personnel action occurred within 90 days after the employee reported a violation of law, in which case the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.
Affirmative Defense	It is an affirmative defense to a whistleblower suit that the district would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under the whistleblower law. *Gov't Code 554.004*
Notice of Rights	A board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. *Gov't Code 554.009*

Right to Report a Crime

A district employee may report a crime witnessed at the school to any peace officer with authority to investigate the crime. A district may not adopt a policy requiring a school employee to refrain from reporting a crime witnessed at the school or to report a crime witnessed at the school only to certain persons or peace officers. *Education Code 37.148*

Protection for Reporting Child Abuse

A district may not suspend or terminate the employment of, discriminate against, or take other adverse employment action against a professional employee who in good faith:

1. Reports child abuse or neglect to:
    a. The person's supervisor,
    b. An administrator of the facility where the person is employed,
    c. A state regulatory agency, or
    d. A law enforcement agency; or
2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

"Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.

A person may sue for injunctive relief, damages, or both if the person is suspended or terminated from the person's employment; is discriminated against; or suffers any other adverse employment action.

A district employee who has a cause of action under the provisions at Whistleblower Protection, above, may not bring an action under Protection for Reporting Child Abuse.

Family Code 261.110(a)-(c), (l)

Protection from Disciplinary Proceedings

For purposes of the following provisions, "disciplinary proceeding" means discharge or suspension of a professional employee, or termination or nonrenewal of a professional employee's term contract. [See DGC regarding immunity] *Education Code 22.0512(b)*

Reporting Child Abuse or Maltreatment

A district employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with Education Code 38.0041 [prevention of child abuse and other maltreatment, see FFG]. *Education Code 38.0041(g)*

Use of Physical Force

A professional employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Penal Code 9.62. This provision does not prohibit a district from enforcing a policy relating to corporal punishment or bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment. *Education Code 22.0512(a); Tex. Atty. Gen. Op. GA-0202 (2004)*

Penal Code 9.62 provides that the use of force, other than deadly force, against a person is justified:

1. If the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and
2. When and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.

Penal Code 9.62

Failure to Follow Scope, Sequence, and Instructional Materials

A district may not penalize a teacher who does not follow the pacing of recommended or designated instructional materials or the pacing of the recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level based on the teacher's determination that the teacher's students need more or less time in a specific area to demonstrate proficiency in the essential knowledge and skills for that subject and grade level [see EHAA].

A district may take appropriate action with respect to a teacher for conduct described above based on documented evidence of a deficiency in classroom instruction obtained through observation or substantiated and documented third-party information.

Education Code 28.0027(b), (c)

A classroom teacher employed by a district may not be subject to disciplinary proceedings for an allegation that the teacher violated Education Code 28.0022, the Establishment Clause of the First Amendment of the United States Constitution, or a related state or federal law if:

1. The teacher used only instructional material included on the list of approved instructional material maintained by the State Board of Education under Education Code 31.022 and adopted by the district; and

2. The allegation does not dispute that the teacher delivered instruction from the instructional material with fidelity.

This immunity is in addition to, and may not be construed to interfere with, any other immunity provided by law.

Education Code 22.05125

Instructional Materials and Technological Equipment

A board may not require an employee who acts in good faith to pay for instructional materials or technological equipment that is damaged, stolen, misplaced, or not returned. An employee may not waive this provision by contract or any other means.

Exception

A district may enter into a written agreement with an employee whereby the employee assumes financial responsibility for electronic instructional material or technological equipment usage off school property or outside of a school-sponsored event in consideration for the ability of the employee to use the electronic instructional material or technological equipment for personal business.

The written agreement shall be separate from the employee's contract of employment, if applicable, and shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to enter into such an agreement as a condition of employment.

Education Code 31.104(e); 19 TAC 66.107(c)

Controversial Topics

For any course or subject, including an innovative course, for a grade level from kindergarten through grade 12, a teacher may not be compelled to discuss a widely debated and currently controver-

sial issue of public policy or social affairs. *Education Code 28.0022(a)*

Note: For instructional requirements and prohibitions, including requirements for student discussion, see EMB.

Jury Duty

A district may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. An employee who is discharged, threatened with discharge, intimidated, or coerced is entitled to return to the same employment that the employee held when summoned for jury or grand jury service if the employee, as soon as practical after release from jury or grand jury service, gives the employer actual notice that the employee intends to return. *Civ. Prac. & Rem. Code 122.001*

A district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against a school district employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, a school district shall pay the employee the employee's normal daily compensation [see DEC]. *Education Code 22.006(a), (b)*

Voting

A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly refuses to permit the other person to be absent from work on election day or while early voting is in process for the purpose of attending the polls to vote, or subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote. Penalty means a loss of wages or another benefit of employment.

It is an exception to the application of this provision that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours.

Election Code 276.004

Breaks for Nursing Mothers

A district shall provide a reasonable break time for an employee to express breast milk for the employee's nursing child for one year after the child's birth each time the employee has need to express the milk.

A district shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

A district shall not be required to compensate an employee receiving reasonable break time for any time spent during the workday for such purpose unless otherwise required by federal or state law or municipal ordinance.

Break time provided shall be considered hours worked if the employee is not completely relieved from duty during the entirety of the break.

A district that employs less than 50 employees is not subject to these requirements, if the requirements would impose an undue hardship by causing the district significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the district.

This requirement does not preempt a state law or municipal ordinance that provides greater protections to employees.

29 U.S.C. 218d

Right to Express Breast Milk

A district employee is entitled to express breast milk at the employee's workplace. *Gov't Code 619.002*

The district shall develop a written policy on the expression of breast milk by employees under Government Code Chapter 619. The policy must state that the district shall support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk.

A district shall provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk. The district shall provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

A district may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under Government Code Chapter 619. Government Code Chapter 619 does not create a private or state cause of action against a district.

Gov't Code Ch. 619

Charitable Contributions

A board or a district employee may not directly or indirectly require or coerce any district employee to:

1. Make a contribution to a charitable organization or in response to a fund-raiser; or
2. Attend a meeting called for the purpose of soliciting charitable contributions.

A board or district employee may not directly or indirectly require or coerce any district employee to refrain from the same acts.

Education Code 22.011

Protection of Nurses

A district may not suspend, terminate, or otherwise discipline or discriminate against a nurse who refuses to engage in an act or omission relating to patient care that:

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I;
2. Constitutes a minor incident, as defined at Occupations Code 301.419; or
3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the district at the time of the refusal that this is the reason for refusing to engage in the act or omission.

Occupations Code 301.352(a)

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action [see the CKE series];
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and Nicotine Products and E-Cigarettes

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances

during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Felony driving while intoxicated (DWI); or
    - Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Reporting Workplace Violence

A district shall post a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the Department of Public Safety (DPS). The notice must be posted in a conspicuous place, in sufficient locations to be convenient to all employees, and in English and Spanish, as appropriate.

A notice complies with Labor Code Chapter 104A, if, at a minimum, the information contained in the graphic at 40 Administrative Code 800.600(d) is conveyed:

The Texas Workforce Commission will make an electronic copy of the Reporting Workplace Violence poster[1] available on its website, which will be free of charge and allow employers to print a copy of the poster.

40 TAC 800.600(b)(2), (c)-(e); Labor Code 104A.002, .003

Hazard Communication Act

A district shall perform the following duties in compliance with the Hazard Communication Act:

Notice

A district shall post and maintain adequate notice, at locations where notices are normally posted, informing employees of their rights under the Hazard Communication Act. *Health and Safety Code 502.017(a)*

Education and Training

A district shall provide an education and training program for employees who use or handle hazardous chemicals. “Employee” means a person who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of these requirements. *Health and Safety Code 502.003(10), .009(a)*

A district shall keep the written hazard communication program and a record of each training session given to employees, including the date, a roster of the employees who attended, the subjects covered in the training session, and the names of the instructors. Records shall be maintained for at least five years. *Health and Safety Code 502.009(g)*

Workplace Chemical List

A district shall compile and maintain a workplace chemical list that contains required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the executive commissioner of the Health and Human Services Commission for certain highly toxic or dangerous hazardous chemicals. The list must be readily available to employees and their representatives. All employees shall be made aware of the list before working with or in a

work area containing hazardous chemicals. *Health and Safety Code 502.005(a), (c)*

The district shall update the list as necessary but at least by December 31 of each year, and shall maintain the list for at least 30 years. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information. *Health and Safety Code 502.005(b), (d)*

Safety Data Sheets

A district shall maintain a legible copy of a current manufacturer's safety data sheets (SDS) for each hazardous chemical. If the district does not have a current SDS for a hazardous chemical when the chemical is received, the district shall request an SDS in writing from the manufacturer or distributor in a timely manner or otherwise obtain a current SDS. Safety data sheets shall be readily available, on request, for review by employees or designated representatives at each workplace. *Health and Safety Code 502.006*

Protective Equipment

Employees shall be provided with appropriate personal protective equipment. *Health and Safety Code 502.017(b)*

Labeling

A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. Primary and secondary containers must be relabeled in accordance with Health and Safety Code 502.007(a). An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer. *Health and Safety Code 502.007*

Pest Control Treatment Notice

The chief administrator or building manager shall notify persons who work in a district building of an indoor pest control treatment by:

1. Posting the sign made available by the certified applicator or technician in an area of common access that the persons are likely to check on a regular basis at least 48 hours before each planned treatment; and

2. Providing the pest control information sheet made available by the certified applicator or technician to a person working in the building on request.

Occupations Code 1951.455; 4 TAC 7.146, .147 [See CLB]

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[1] Reporting Workplace Violence poster: https://www.twc.texas.gov/sites/default/files/fdcm/docs/workplace-violence-poster-twc.pdf

Note: This policy addresses complaints of discrimination, harassment, and retaliation of employees based on a protected characteristic identified in DAA(LEGAL).

For provisions related to discrimination, harassment, and retaliation of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

Grievance Procedures

Section 504 — A district that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. *34 C.F.R. 104.7(b), .11*

ADA — A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Americans with Disabilities Act (ADA). *28 C.F.R. 35.107, .140*

Title IX — A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 C.F.R. 106.8(c); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)* [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]

Compliance Coordinators

Section 504 — A district that employs 15 or more persons shall designate at least one person to coordinate its efforts to comply with Section 504 of the Rehabilitation Act. The district's Section 504 notification [see DAA] shall also identify the responsible employee so designated. *34 C.F.R. 104.7(a), .8(a)*

ADA — A district that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA, including any investigation of any complaint communicated to it alleging its noncompliance with the ADA or alleging any actions that would be prohibited by the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee or employees so designated. *28 C.F.R. 35.107(a)*

ADEA — A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Age Discrimination in Employment Act (ADEA), including investigation of any complaints that the district receives alleging any actions that are prohibited by the ADEA. A district shall notify its employees of

	the identity of the responsible employee by name or title, address, and telephone number. *34 C.F.R. 110.25(a), (b)*
Title IX	A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator." The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district of the name or title, office address, electronic mail address, and telephone number of the employee(s) so designated. *34 C.F.R. 106.8(a)*

Staff Development

Educator

The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.

Principal

The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]

Education Code 21.451(a), (a-1)

Professional Development Policy

A board shall annually review the SBEC continuing education and training clearinghouse published under Education Code 21.4514 and adopt a professional development policy that must:

1. Be guided by the recommendations for training in the clearinghouse;
2. Note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and
3. Include a schedule of all training required for educators or other school personnel at the district or school.

To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy.

Education Code 21.4515(a), (b)

Requirements for Training

In designing staff development for educators other than principals, a district must use procedures that, to the greatest extent possible, ensure the training included in the staff development:

1. Incorporates proactive instructional planning techniques using a framework that:
    a. Provides flexibility in the ways:
        (1) Information is presented;
        (2) Students respond or demonstrate knowledge and skills; and
        (3) Students are engaged;
    b. Reduces barriers in instruction;
    c. Provides appropriate accommodations, supports, and challenges; and

d. Maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and

2. Integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

Education Code 21.451(a-2), (b), (c)

Optional Training

Staff development may include training in:

1. Technology and digital learning; and

2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct.

Technology and digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Education Code 21.451(d)(1), (d-3), (g)

Required Training

Staff development must include training on:

1. Suicide prevention;

2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution; and

3. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided in accordance with the board’s professional development policy and use a best practice-based program recommended by the Health and Human Services

Commission under Education Code 38.351 [see FFEB]. Required training may include two or more topics listed together.

Education Code 21.451(d)(3), (d-1)

Instruction of Students with Disabilities

Definition

"Student with a disability" means a student who is:

1. Eligible to participate in a school district's special education program under Education Code 29.003;
2. Covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or
3. Covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Education Code 21.001(3-a)

Requirements

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

Education Code 21.451(d)(2), (e)-(f)

Suicide Prevention

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by the Texas Education Agency (TEA) and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and
4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district shall require completion in accordance with the district's professional development policy and maintain records that include district employees who participated in the training.

A district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under Education Code 38.040. [See EHAC]

Education Code 38.351(e), (g), (g-1), (h); 19 TAC 153.1013

Staff Development Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

Child Abuse, Trafficking, and Maltreatment

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided in accordance with the district's professional development policy and as part of new employee orientation to all new employees.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include staff members who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

Education Code 38.0041(c)-(f); 19 TAC 61.1051(d)

Trauma-Informed Care

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees in accordance with the district's professional development policy. [See BQ, FFBA] *Education Code 38.036(c)*

Mental Health

A district shall require each district employee who regularly interacts with students enrolled at the district to complete an evidence-

based mental health training program designed to provide instruction to participants regarding the recognition and support of children and youth who experience a mental health or substance use issue that may pose a threat to school safety.

A district may not require a district employee who has previously completed mental health training offered by a local mental health authority under Health and Safety Code 1001.203 to complete the required training.

Education Code 22.904

Student Discipline

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

Education Code 37.0181

Test Administration

The commissioner may require training for district employees involved in the administration of assessment instruments. The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1), (b-2)*

Cybersecurity

Employees identified by the district with access to a district computer system or database and who use a computer to perform at least 25 percent of the employee's required duties must complete a cybersecurity training program selected by the board. The district, in consultation with its cybersecurity coordinator, shall determine how frequently employees must complete the training. [See CQB] *Gov't Code 2054.5191(a-1); Education Code 11.175(h-1)*

Special Programs

A district shall ensure that:

Teacher Literacy Achievement Academies (Reading Academies)

1. Not later than the 2022-23 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and

2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2022-23 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 by the end of the teacher's or principal's first year of placement in that grade level or campus.

Education Code 28.0062(a)(2)

[See EHAB for kindergarten-grade 3 reading standards.]

Gifted and Talented Education

A district shall ensure that:

1. Prior to assignment in the program or within one semester of assignment, teachers who provide instruction and services that are a part of the program for gifted/talented students [see EHBB] have a minimum of 30 hours of professional learning that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted/talented students;

2. Teachers who provide instruction and services that are a part of the program for gifted/talented students receive a minimum of six hours annually of professional learning in gifted/talented education; and

3. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional learning that includes nature and needs of gifted/talented students and program options with an update after legislative sessions.

19 TAC 89.2

Elective Bible Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religious or biblical studies. The teacher must successfully complete staff development training developed by the commissioner for elective Bible courses. An elective Bible course may be taught only by a teacher who has successfully completed the com-

missioner's training under Education Code 21.459. *Education Code 28.011(f)*

Texas English Language Proficiency Assessment System Training

The employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System (TELPAS) at a district campus may, with discretion, require other district employees involved in administering the TELPAS to complete training or online calibration activities described by Education Code 21.4571(a). An employee may not be required to complete a training or online calibration activity in one sitting. *Education Code 21.4571(b), (c)*

Automated External Defibrillators

A district shall, in accordance with its professional development policy, make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and
2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Education Code 22.902

Extracurricular Activity Safety

The following persons must satisfactorily complete an extracurricular activity safety training program in accordance with the district's professional development policy:

1. A coach, trainer, or sponsor for an extracurricular athletic activity; and
2. A director responsible for a school marching band.

The safety training program must include:

1. Certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;
2. Current training in:
    a. Emergency action planning;
    b. Communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and

c. Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and

3. A safety drill that incorporates the training and simulates various injuries described above.

Education Code 33.202(b), (c); 19 TAC 76.1003

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

Steroids

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or

2. A comparable program developed by the district or a private entity with relevant expertise.

Education Code 33.091(c-1)

Concussions

At least once every two years, the following employees shall take a training course from an authorized provider:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL that provides for not less than two hours of training in the subject matter of concussions, including evaluation, prevention, symptoms, risks, and long-term effects.

2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course concerning the subject matter of concussions that meets the requirements set by the Texas Department of Licensing and Regulation (TDLR).

3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by

the UIL for coaches or that meets the requirements set by TDLR for athletic trainers, or a course concerning the subject matter of concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

Seizure Recognition and Related First Aid

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

Education Code 38.033(a), (b)

[See FFAF for information about a seizure management and treatment plan.]

Pledges of Allegiance

A board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags.

On written request from a student's parent or guardian, a district shall excuse the student from reciting a pledge of allegiance.

[See FNA for more information regarding patriotic observances.]

Minute of Silence

A board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

Education Code 25.082

Kindergarten Program

A public school kindergarten may be operated on a half-day or full-day basis as determined by the board. *Education Code 29.152*

Grant Programs

A district may use funds from grants administered by the commissioner to operate an existing half-day kindergarten on a full-day basis. *Education Code 29.155(a)*

Interruptions

A board shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

Loss of Class Time

A board shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A 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. [See EHBC for provisions on tutorial services.]

Education Code 25.083

School Library

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Bd. of Educ. v. Pico, 457 U.S. 853 (1982)

Standards

The *School Library Programs: Standards and Guidelines for Texas* are adopted by the Texas State Library and Archives Commission. The standards and guidelines are applicable to local Texas school districts. *13 TAC 4.1*

A district shall consider the standards in developing, implementing, or expanding library services. *Education Code 33.021(b)*

Collection Development

A district shall adhere to the standards for school library collection development in developing or implementing the district's library collection development policies. *Education Code 33.021(c)*

Library Material Definitions

Obscene

"Obscene" means material or a performance:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes:
    a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
    b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

Penal Code 43.21(a)(1)

Patently Offensive

"Patently offensive" means so offensive on its face as to affront current community standards of decency. *Penal Code 43.21(a)(4)*

Harmful Material

"Harmful material" means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors.

Penal Code 43.24(a)

Library Collection Development Standards

A district must approve and institute a collection development policy that describes the processes and standards by which a school library acquires, maintains, and withdraws materials.

A school library collection should include materials that are age appropriate and suitable to the campus and students it serves and include a range of materials. A school library collection should:

1. Enrich and support the Texas Essential Knowledge and Skills (TEKS) and curriculum established by Education Code 28.002 [see EHAA], while taking into consideration students' varied interests, maturity levels, abilities, and learning styles;
2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards;
3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis; and
4. Represent the ethnic, religious, and cultural groups of the state and their contribution to Texas, the nation, and the world.

13 TAC 4.2(a)-(b)

Responsibility

A district is responsible for ensuring its school libraries implement and adhere to these collection development standards. *13 TAC 4.2(j)*

A district should ensure a professional librarian certified by the State Board for Educator Certification or other dedicated professional library staff trained on proper collection development standards is responsible for the selection and acquisition of library materials. *13 TAC 4.2(f)*

Procedures

A district must develop collection assessment and evaluation procedures to periodically appraise the quality of library materials in the school library to ensure the library's goals, objectives, and information needs are serving its school community and should stipulate the means to weed or update the collection. *13 TAC 4.2(g)*

A district may add procedures to these minimum requirements to satisfy local needs so long as the added procedures do not conflict with these minimum requirements. *13 TAC 4.2(i)*

Policy Requirements

A school library collection development policy must:

1. Describe the purpose and collection development goals;
2. Designate the responsibility for collection development;
3. Establish procedures for the evaluation, selection, acquisition, reconsideration, and deselection of materials;
4. Consider the distinct age groups, grade levels, and possible access to materials by all students within a campus;
5. Include a process to determine and administer student access to material rated by library material vendors as "sexually relevant" as defined by Education Code 35.001 consistent with any policies adopted by the Texas Education Agency (TEA) and local school board requirements; *[This regulation is inoperable; see Book People, Inc. v. Wong, 91 F.4th 318 (5th Cir. 2024).]*
6. Include an access plan that, at a minimum, allows efficient parental access to the district's library and online library catalog; and
7. Comply with all applicable local, state, and federal laws and regulations. Specifically, a collection development policy must:
    a. Recognize that parents are the primary decision makers regarding their student's access to library material;
    b. Prohibit the possession, acquisition, and purchase of harmful material, as defined by Penal Code 43.24, library material rated sexually explicit material by the selling library material vendor under Education Code 35.002 *[inoperable; see Book People, Inc. v. Wong, 91 F.4th 318 (5th Cir. 2024)]*, or library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982);

c. Recognize that obscene content is not protected by the First Amendment to the United States Constitution;

d. Be required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs;

e. Ensure schools provide library catalog transparency, including, but not limited to:

(1) Online catalogs that are publicly available; and

(2) Information about titles and how and where material can be accessed;

f. Recommend schools communicate effectively with parents regarding collection development, including, but not limited to:

(1) Access to district/campus policies relating to school libraries;

(2) Consistent access to library resources; and

(3) Opportunities for students, parents, educators, and community members to provide feedback on library materials and services; and

g. Prohibit the removal of material based solely on the ideas contained in the material or the personal background of the author of the material or characters in the material.

Evaluation of Materials

Evaluation of materials as referenced in this provision includes a consideration of the factors described at 13 Administrative Code 4.2(b), consideration of local priorities and district standards, and at least two of the following:

1. Consideration of recommendations from parents, guardians, and local community members;

2. Consultation with the district's educators and library staff and/or consultation with library staff of similarly situated districts and their collections and collection development policies;

3. An extensive review of the text of item;

4. The context of a work, including consideration of the contextual characteristics, overall fit within existing school library collection, and potential support of the school curriculum; or

5. Consideration of authoritative reviews of the items from sources such as professional journals in library science, recognized professional education or content journals with book reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.

Policy Review

A district's collection development policy should be reviewed at least every three years and updated as necessary.

13 TAC 4.2(c)-(d), (h)

Reconsideration of Library Material

A reconsideration process as referenced in this provision should ensure that any parent or legal guardian of a student currently enrolled in the district or employee of the district may request the reconsideration of a specific item in their school district's library catalog.

A reconsideration process should:

1. Establish a uniform procedure an individual must follow when filing a request;

2. Require a district to include a form to request a reconsideration of an item on the school's public internet website if the school has a public internet website or ensure the form is publicly available at a district administrative office;

3. Require that the completed request for reconsideration form be distributed to the superintendent or superintendent designee, school librarian, and the board at the time of submission;

4. Include a reasonable timeframe, approved by the board, for the review and final decision by a committee charged with the review of the item in its entirety. A district should convene a review committee in accordance with criteria established by the district to ensure a thorough and fair process. A reasonable timeframe should take into account:

    a. The time necessary to convene a committee to meet and review the item;

    b. Flexibility that may be necessary depending on the number of pending reconsideration requests; and

    c. Other factors relevant to a fair and consistent process, including informing the requester on the progress of the review in a timely fashion;

5. Establish a uniform process approved by the board for the treatment of any library material undergoing reconsideration;

6. Include a review and appeal process approved by the board; and

7. Provide that if an item has gone through the reconsideration process and remains in the collection, a district may not be required to reconsider an item within two calendar years of the final decision.

13 TAC 4.2(e)

Liability

A district or a teacher, librarian, or other staff member employed by a district is not liable for any claim or damage resulting from a library material vendor's violation of Education Code Chapter 35. *Education Code 35.004*

Joint Facilities

A district may enter into contracts with a county or municipality in which the district is located to provide joint library facilities. The board and the commissioner's court of the county or governing body of the municipality must conduct public hearings before entering into such a contract. The hearings may be held jointly. *Education Code 33.022*

Purpose

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.

A district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. In providing instruction required by the State Board of Education (SBOE) under Education Code 28.002(h-1), regarding the founding documents of the United States, a district shall use those documents as part of the instructional materials for the instruction.

Education Code 28.002(h), (h-6)

Required Curriculum

Foundation Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

Enrichment Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
    a. Physical health, including the importance of proper nutrition and exercise;
    b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
    c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
3. Physical education;
4. Fine arts;
5. Career and technical education;
6. Technology applications;
7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The SBOE by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Positive Character Traits

Districts are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills at least once in the following grade bands: kindergarten-grade 2, grades 3-5, grades 6-8, and grades 9-12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.3(a), .5(a), .7(a), .9(a)

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

Local Instructional Plan

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and SBOE rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

Education Code 28.002(g)

Common Core State Standards

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

Scope and Sequence and Instructional Materials

In adopting a recommended or designated scope and sequence or instructional materials for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

Coordinated Health Programs

The Texas Education Agency (TEA) shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and

3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

Classification for Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted — not limited in activities.
2. Restricted — excludes the more vigorous activities. Restricted classification is of two types:
    a. Permanent — A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
    b. Temporary — Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial — specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

School Health Advisory Council

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements.]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
    a. Health education in kindergarten through grade 8; and
    b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
    a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
    b. Physical education and physical activity;
    c. Nutrition services;
    d. Parental involvement;
    e. Instruction on substance abuse prevention;
    f. School health services, including mental health services;
    g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
    h. A safe and healthy school environment; and
    i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:

a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];

c. A safe and healthy school environment; and

d. School employee wellness;

5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;

6. Strategies to increase parental awareness regarding:

a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

7. Appropriate grade levels and curriculum for instruction regarding the dangers of opioids, including instruction on:

a. Opioid addiction and abuse, including addiction to and abuse of synthetic opioids such as fentanyl; and

b. Methods for administering an opioid antagonist; and

8. Appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local SHAC's recommendations under this provision do not conflict with the essential knowledge and skills developed by the SBOE.

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 concern-

ing the importance of daily recess for elementary school students. *Education Code 28.004(l)*

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

Complaints

A parent may use the grievance procedure at FNG concerning a complaint of a violation of Education Code 28.004. *Education Code 28.004(i-1)*

Human Sexuality Instruction

Definitions

"Human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health.

"Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction.

Education Code 28.004(p)

Board Selection

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A statement informing the parent of the human sexuality instruction requirements under state law;
2. A detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;
3. A statement of the parent's right to:
    a. At the parent's discretion, review or purchase a copy of curriculum materials as provided by Education Code 28.004(j) [see EFA];
    b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
    c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's internet website, if the district has an internet website, and the internet website address at which the curriculum materials are located; and
5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

Education Code 28.004(i)

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes

If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX.]

Adoption of Instructional Materials

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's human sexuality instruction. The policy must require:

1. The board to adopt a resolution convening the local SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The local SHAC to:
    a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
    b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the local SHAC's recommendations under item 2, above, to take action on the adoption of the recommendations by a record vote at a public meeting.

Before adopting curriculum materials for the district's human sexuality instruction, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

Education Code 28.004(e)-(e-1), (e-3)

Abuse Prevention Instruction

Adoption of Instructional Materials

Any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking shall be selected by the board with the advice of the local SHAC.

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. The policy must require:

1. The board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The SHAC to:

a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and

b. Provide the adopted recommendations to the board at a public meeting of the board; and

3. The board, after receipt of the SHAC's recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

Board Selection

Before adopting curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;

2. Suitable for the subject and grade level for which the curriculum materials are intended; and

3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

The board shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including the essential knowledge and skills addressing these topics developed by the SBOE.

Education Code 28.004(q)-(q-1), (q-3)-(q-4)

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. If instruction will be provided. The notice must include:

1. A statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;

2. A detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;

3. A statement of the parent's right to:

a. At the parent's discretion, review or purchase a copy of curriculum materials [see below at Availability of Instructional Materials];

b. Remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;

4. A statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, dating violence, and sex trafficking must be posted on the district's internet website address at which the curriculum materials are located; and

5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including information regarding the local SHAC.

Parent Consent Before Instruction

Before a student may be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, a district must obtain the written consent of the student's parent. A request for written consent:

1. May not be included with any other notification or request for written consent provided to the parent, other than the notice described above; and

2. Must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

Education Code 28.004(q-5)-(q-6)

Availability of Materials for Human Sexuality Instruction and Abuse Prevention Instruction

Curriculum materials proposed to be adopted for the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking must be made available as provided below, except copyrighted materials must be provided as described by items (2)(a) or (2)(c), as applicable.

A district shall make all curriculum materials used in human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking available by:

1. For curriculum materials in the public domain:

    a. Providing a copy of the curriculum materials by mail or email to a parent of a student enrolled in the district on the parent's request; and

    b. Posting the curriculum materials on the district's internet website, if the district has an internet website; and

2. For copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:

    a. Review the curriculum materials at the student's campus at any time during regular business hours;

    b. Purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials; or

    c. Review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

For purchase agreements entered into, amended, or renewed on or after September 1, 2021, if a district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

If a district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

Education Code 28.004(e-2), (j)-(j-2), (q-2)

Character Education

A district must adopt a character education program that includes the following positive character education traits and personal skills:

1. Courage;

2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;

3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
8. Good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

Courses in the foundation and enrichment curriculum in grades 6-12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

Grades 6-8

A district that offers grades 6-8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

Physical Activity Requirements

A district shall require students in grades 6-8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

Exemptions

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A "structured activity" is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and

2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)-(l-1); 19 TAC 103.1003

Fine Arts Requirement

The school district must ensure that, beginning with students who enter grade 6 in the 2010-11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

Instruction in High School, College, and Career Preparation

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;

2. The distinguished level of achievement described by Education Code 28.025(b-15);

3. Each endorsement described by Education Code 28.025(c-1);

4. College readiness standards; and

5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board

of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

Middle School Advanced Math Program

A district shall develop a middle school advanced mathematics program for students in grades 6-8 to enable students to enroll in Algebra I in grade 8.

Required Local Measure

A district shall identify a local measure for use in determining student eligibility for automatic enrollment in a middle school advanced mathematics program.

Automatic Enrollment

A district shall automatically enroll in a middle school advanced mathematics program each grade 6 student whose performance was either:

1. In the 60th percentile or higher on statewide scores for the grade 5 mathematics state assessment instrument; or
2. In the top 40 percent on a local measure that includes the student's grade 5 class ranking or a demonstrated proficiency in the student's grade 5 mathematics coursework.

No Results

A local measure shall be used to determine enrollment of grade 6 students for whom there are no results on the state grade 5 mathematics assessment.

Public Notice

A district shall make public the criteria for automatic enrollment in a middle school advanced mathematics program, including any criteria for a local measure, before the start of each school year.

Parent Notice

A district shall provide a written notice to the parent or guardian of each student entering grade 6 who will be automatically enrolled in a middle school advanced mathematics program. The written notification shall be provided no later than 14 days before the first day of instruction for the school year. The required notice shall include a description of:

1. The purpose of the program;
2. The middle school advanced mathematics program offered by the district, including an overview of the content addressed at each grade level;
3. Resources offered to support student success;
4. The right of the parent or guardian to opt their child out of the middle school advanced mathematics program; and
5. The process for a parent or guardian to opt their child out of the program and any associated deadlines.

Opt Out

The parent or guardian of a student who will be automatically enrolled in a middle school advanced mathematics program may opt the student out of automatic enrollment in an advanced mathematics program.

A district shall obtain written approval from the parent or guardian to remove a student from the middle school advanced mathematics program.

Annual Report

A district shall annually report to the Texas Education Agency (TEA) data related to student enrollment and performance in the middle school advanced mathematics program in a manner and time to be determined by TEA.

Other Process

These provisions do not prohibit a district from establishing a process to initially enroll grade 7 or 8 students in a middle school advanced mathematics program.

19 TAC 74.2101; Education Code 28.029

High School Courses at Earlier Grades

A district may offer courses designated for grades 9-12 in earlier grade levels. *19 TAC 74.26(b)*

Grades 9-12 Course Offerings

A district that offers grades 9-12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. A district shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

A district shall offer the courses listed below in grades 9-12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV, and at least one additional advanced English course.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering.
    a. The requirement to offer two additional courses may be reduced to one by the commissioner upon application of

a district with a total high school enrollment of less than 500 students.

b. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.

4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, Economics with Emphasis on the Free Enterprise System and Its Benefits, and Personal Financial Literacy and Economics. The requirement to offer both Economics with Emphasis on the Free Enterprise System and Its Benefits and Personal Financial Literacy and Economics may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.

5. Physical education — at least two courses selected from:

   a. Lifetime Fitness and Wellness Pursuits;

   b. Lifetime Recreation and Outdoor Pursuits; or

   c. Skill-Based Lifetime Activities.

6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:

   a. Art I, II, III, IV;

   b. Music I, II, III, IV;

   c. Theatre I, II, III, IV; or

   d. Dance I, II, III, IV.

7. Career and technical education [see EEL] — three or more career and technical education courses for four or more credits with at least one advanced course aligned with a specified number of Texas Education Agency (TEA)-designated programs of study determined by enrollment as follows:

   a. One program of study for a district with fewer than 500 students enrolled in high school;

   b. Two programs of study for a district with 501-1,000 students enrolled in high school;

   c. Three programs of study for a district with 1,001-2,000 students enrolled in high school;

d. Four programs of study for a district with 1,001-5,000 students enrolled in high school;

e. Five programs of study for a district with 5,001-10,000 students enrolled in high school; and

f. Six programs of study for a district with more than 10,000 students enrolled in high school.

8. Languages other than English — Levels I, II, and III or higher of the same language.

9. Computer science — one course selected from Fundamentals of Computer Science, Computer Science I, or Advanced Placement (AP) Computer Science Principles.

10. Speech — Communication Applications.

19 TAC 74.3(b)(2)

A district must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If a district will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact.

A district shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, a district shall either teach the course every year or use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof.

19 TAC 74.3(b)(4)

A district may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

A district may allow a student to enroll concurrently in Algebra I and geometry. *Education Code 28.025(b-6)*

Personal Financial Literacy

Each district shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, a district may use an existing state, federal, private, or

nonprofit program that provides students without charge the described instruction. *Education Code 28.0021(b)*

Applied Courses

A school district may offer the foundation curriculum in an applied manner. The courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. *Education Code 28.025(b-4)*

Research Writing Component

For students entering grade 9 beginning with the 2007-08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/ Distinguished Achievement High School Programs include a research writing component. *19 TAC 74.3(b)(5)*

Parenting Awareness Program

A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.

High School

Middle and Junior High School

A district may use the program in the district's middle or junior high school curriculum.

Program Requirements

Implementation of this requirement shall comply with the requirement that the board establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction.

A district may add elements at its discretion but must include the following areas of instruction:

1. Parenting skills and responsibilities, including child support;
2. Relationship skills, including money management, communication, and marriage preparation; and
3. Skills relating to the prevention of family violence, only if the district's middle, junior high, or high schools do not have a family violence program.

At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.

Local Programs and Materials

A district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in:

1. Child development;
2. Parenting skills, including child abuse and neglect prevention; and

3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

Parent Permission

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

Alcohol Awareness Instruction

A district shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

A district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and high school health curriculum from a list of programs approved by the commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

Fentanyl Abuse and Drug Poisoning Instruction

A district shall annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

The instruction must include:

1. Suicide prevention;
2. Prevention of the abuse of and addiction to fentanyl;
3. Awareness of local school and community resources and any processes involved in accessing those resources; and
4. Health education that includes information about substance use and abuse, including youth substance use and abuse.

The required instruction may be provided by an entity or an employee or agent of an entity that is:

1. A public or private institution of higher education;
2. A library;
3. A community service organization;
4. A religious organization;

5. A local public health agency; or

6. An organization employing mental health professionals.

Education Code 38.040

CPR and AED Instruction

A district shall provide instruction to students in grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.

CPR instruction must include training in cardiopulmonary resuscitation techniques and the use of an AED that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR or AED certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association. If the instruction is not intended to result in certification, an instructor of this training is not required to be certified in CPR.

Waivers for Students with Disabilities

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR or AED requirements must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code Chapter 29, Subchapter A; or

2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Applicability

The requirement to receive instruction in CPR applies to any student who entered grade 7 in the 2010-11 school year and thereafter. The requirement to receive instruction in the use of an AED

applies to any student who entered grade 7 in the 2024-25 school year and thereafter.

Education Code 28.0023(c)-(e), (g); 19 TAC 74.38

Donations

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR and the use of an AED. A district may accept other donations, including donations of equipment, for use in providing CPR instruction and the use of an AED. *Education Code 29.903*

Proper Interaction with a Peace Officer

For any student entering grade 9 in the 2018-19 school year and thereafter, a district shall provide instruction in one or more courses to students in grades 9-12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction may be provided as part of any course or courses and must be provided to each student at least once before graduation from high school.

The instruction must include all the information required by 19 Administrative Code 74.39(b). A district shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the SBOE, and TEA. A district may tailor the instruction developed under this section as appropriate for the district's community. In tailoring the instruction, the district shall solicit input from local law enforcement agencies, driver training schools, and the community.

A district shall clearly indicate on the transcript or academic achievement record the year in which the instruction was provided to the student.

19 TAC 74.39; Education Code 28.012

Driving With Disability Program

For information regarding the required notice for students who are receiving special education services or who are covered by Section 504, see EHBAD.

Parental Notice of Assistance for Learning Difficulties

Each school year, a district shall notify a parent of each child, other than a child enrolled in a special education program under Education Code Chapter 29, Subchapter A, who receives assistance from the district for learning difficulties, including through the use of intervention strategies, that the district provides that assistance to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;

2. Be written in English or, to the extent practicable, the parent's native language; and

3. Include:

    a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;

    b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;

    c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;

    d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and

    e. A copy of the explanation provided under Education Code 26.0081(c) of the options and requirements for students who have learning difficulties or who need or may need special education. [See FB]

This required notice may be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

Education Code 26.0081(d)-(e)

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies. *Education Code 26.004(a)*

Dyslexia and Related Disorders

Definitions

"Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.

"Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Education Code 38.003(d)

"Screening a student for dyslexia or a related disorder" means the administration of a universal screening instrument required for students in kindergarten and grade 1.

"Testing a student for dyslexia or a related disorder" means a comprehensive evaluation as required under the Individuals with Disabilities Education Act (IDEA) [see EHBAA], and includes evaluation components as stated in the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*,[1] for the identification of dyslexia or a related disorder.

"Treatment for a student identified with dyslexia or a related disorder" means any instructional accommodations through an accommodation plan under Section 504 or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student's individualized education program (IEP).

"Direct dyslexia instruction, or dyslexia instruction" means evidence-based dyslexia instruction that includes the required components of dyslexia instruction and instructional delivery methods as outlined in the *Dyslexia Handbook* and as described by a student's IEP.

"Provider of dyslexia instruction (PDI)" means a provider who meets the requirements of Education Code 29.0032, see below.

19 TAC 74.28(a)

IDEA Requirements

Dyslexia is an example of and meets the definition of a specific learning disability under the IDEA [see EHBAA]. If a district suspects or has a reason to suspect that a student may have dyslexia, including after evaluation or use of a reading diagnosis under Education Codes 28.006 [see EKC] or 38.003 [see below], and that the student may be a child with a disability under IDEA, the district must:

1. Provide to the student's parent or a person standing in parental relation to the student a form developed by the Texas Education Agency (TEA) explaining the rights available

under the IDEA that may be additional to the rights available under Section 504 [see FB];

2. Comply with all federal and state requirements, including the *Dyslexia Handbook*, as adopted by the State Board of Education (SBOE), and its subsequent amendments, regarding any evaluation of the student; and

3. If the student is evaluated for dyslexia or a related disorder, also evaluate the student in any other areas in which the district suspects the student may have a disability.

Education Code 29.0031(a)

Board Action Required

The board must adopt and implement a policy requiring the district to comply with 19 Administrative Code 74.28, inclusive of the *Dyslexia Handbook* and the provision of dyslexia instruction for students identified with dyslexia or a related disorder as determined by the student's admission, review, and dismissal (ARD) committee.

A district's policy must be implemented according to the *Dyslexia Handbook*.

19 TAC 74.28(b)-(c); Education Code 38.003(b)

Compliance Monitoring

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28. Districts will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by Education Code 38.003(c-1). *19 TAC 74.28(g)*

Special Education Evaluation

The multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services [see EHBAA] must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member must:

1. Hold a licensed dyslexia therapist license under Occupations Code Chapter 403;

2. Hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under Education Code 7.102 and 38.003; or

3. If a person qualified under item 1 or 2 is not available, meet the applicable training requirements adopted by the SBOE in the *Dyslexia Handbook*.

A member of a multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services must sign a document describing the member's participation in the evaluation of the student and any resulting individualized education program developed for the student.

Education Code 29.0031(b)-(c); 19 TAC 74.28(h)

Screening, Testing, and Identification

Students enrolling in public schools in Texas shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade. *Education Code 38.003(a)*

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for dyslexia and related disorders required for each student in kindergarten and each student in grade 1. *19 TAC 74.28(e)*

Parent Education

A district shall provide to parents of students enrolled in the district information on:

1. Characteristics of dyslexia and related disorders;
2. Evaluation and identification of dyslexia and related disorders;
3. Effective instructional strategies for teaching students with dyslexia and related disorders;
4. Qualifications of and contact information for PDIs at each campus or school;
5. Instructional accommodations and modifications;
6. The steps in the special education process, as described in the form developed by TEA explaining the rights available under the IDEA that may be additional to the rights available under Section 504; and
7. How to request a copy and access the electronic version of the *Dyslexia Handbook*.

19 TAC 74.28(f)

Instruction	A district must provide evidence-based dyslexia instruction by a PDI for students with dyslexia or a related disorder that includes the required instructional and delivery components found *Dyslexia Handbook*. *19 TAC 74.28(d)*
Progress Reports	At least once each grading period, and more often if provided for in a student's individualized education program, a district shall provide the parent of or person standing in parental relation to a student receiving dyslexia instruction with information regarding the student's progress as a result of the student receiving that instruction. *Education Code 29.0031(d)*
Providers of Dyslexia Instruction	A PDI to students with dyslexia and related disorders must be fully trained in the district's adopted instructional materials for students with dyslexia and is not required to hold a certificate or permit in special education issued under Education Code Chapter 21, Subchapter B unless the provider is employed in a special education position that requires the certification. The completion of a literacy achievement academy under Education Code 21.4552 by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of this provision. *Education Code 29.0032*
Reassessment	Unless otherwise provided by law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student. *Education Code 38.003(b-1)*
Audiobook Program Notification	A district shall notify the parent or guardian of each student determined, on the basis of a dyslexia or related disorder screening or other basis, to have dyslexia or a related disorder, or determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge. The notification shall be done in accordance with the program developed by the commissioner. *Education Code 28.006(g-2)*

[1] *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*: https://tea.texas.gov/academics/special-student-populations/dyslexia-and-related-disorders

Dyslexia and Related Disorders

The District shall comply with all applicable state rules regarding students with dyslexia and related disorders, including the "Dyslexia Handbook" and the provision of dyslexia instruction for students with dyslexia or a related disorder as determined by the student's admission, review, and dismissal committee.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

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)*

Policies, Procedures, Programs, and Practices

A district must develop policies, procedures, programs, and practices that are consistent with the state's established policies, procedures, programs, and services to implement the Individuals with Disabilities Education Act (IDEA). *19 TAC 89.1075(b)*

Interventions and Sanctions

TEA has established a system of interventions and sanctions in accordance with IDEA; Education Code 29.010; Chapter 39; and Chapter 39A, that include, but are not limited to, the following:

1. Onsite review for failure to meet program or compliance requirements;
2. Required program or compliance audits, paid for by the district;
3. Required submission of corrective actions, including, but not limited to, compensatory services, paid for by the district;
4. Required technical assistance and support, paid for by the district;
5. Public release of program or compliance review or audit findings;
6. Special investigation and/or follow-up verification visits;
7. Required public hearing conducted by the local school board;
8. Assignment of a monitor, conservator, or management team, as these terms are defined in Education Code Chapter 39A [see AIC], paid for by the district;
9. Hearing before the commissioner of education or designee;
10. Placing specific conditions on grant funds, reduction in payment, required redirection of funds, or withholding of funds;
11. Lowering of the special education monitoring/compliance status and/or the accreditation rating of the district; and/or
12. Other authorized interventions and sanctions as determined by the commissioner.

19 TAC 89.1076

Instructional Arrangements and Settings

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following.

Mainstream

The mainstream instructional arrangement/setting is for providing special education and related services to a student in the general education 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 general education classroom teacher(s) necessary to enrich the general education 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 general education classroom teacher(s) regarding the student's progress in general education classes, staff development, and reduction of ratio of students to instructional staff. Monitoring student progress in and of itself is not a special education service; this cannot be listed as the only specially designed instruction documented in a student's IEP.

Homebound

The homebound instructional arrangement/setting, also referred to as home-based instruction, is for providing special education and related services to students who are served at home or hospital bedside.

Medical Reasons

Homebound instruction is used for a student whose admission, review, and dismissal (ARD) committee has received medical documentation from a physician licensed to practice in the United States that the student is expected to incur full-day absences from school for a minimum of four weeks for medical reasons, which could include psychological disorders, and the ARD committee has determined that this is the most appropriate placement for the student. The weeks do not have to be consecutive. For the ARD committee to approve this placement, the committee will review documentation related to anticipated periods of student confinement to the home, as well as whether the student is determined to be chronically ill or any other unique medical circumstances that would require this placement in order to provide FAPE to the student. Documentation by a physician does not guarantee the placement of a student in this instructional arrangement/setting, as the student's ARD committee shall determine whether the placement is necessary for the provision of FAPE, and, if so, will determine the amount of services to be provided to the student at home in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations.

Children Ages 3-5

Home-based instruction may be used for children ages three through five when determined appropriate by the child's ARD committee and as documented in the student's IEP. While this setting would generate the same weight as the homebound instructional

	arrangement/setting, the data on this setting may be collected differently than the medical homebound arrangement/setting.
Hospital Class	The hospital class instructional arrangement/setting is for providing special education and related services by school personnel in a hospital or other medical facility, or at a residential care and treatment facility not operated by the district. If a student residing in the facility is provided special education and related services at a district campus and the parent, including a surrogate parent, is a district resident, the student's instructional arrangement/setting would be assigned based on the services that are provided at the campus on the same basis as a resident student residing with his or her parents.
Speech Therapy	The speech therapy instructional arrangement/setting is for providing speech therapy services whether in a general education classroom or in a setting other than a general education classroom. When the only special education service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement. If a student's IEP indicates that a special education teacher is involved in the implementation of the student's IEP but there is no indication of how that teacher provides a special education service, the student is in the speech therapy instructional arrangement/setting. When a student receives speech therapy and a related service but no other special education service, the student is in the speech therapy instructional arrangement/setting.
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 general education for less than 50 percent of the regular school day. For funding purposes, this will be differentiated between the provision of special education and related services to a student in a setting other than general education for less than 21 percent of the instructional day and special education and related services provided to a student in a setting other than general education for at least 21 percent of the instructional day but less than 50 percent of the instructional 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 setting other than general education for 50 percent or more of the regular school day on a regular school campus. For funding purposes, mild/moderate will be considered at least 50 percent but no more than 60 percent of the student's instructional day, and severe will be considered more than 60 percent of the student's instructional day.

Off-Home Campus	The off-home campus instructional arrangement/setting is for providing special education and related services to the following: 1. A student at South Texas Independent School District or Windham School District; 2. A student who is one of a group of students from one or more districts served in a single location in another district when a FAPE is not available in the sending district; 3. A student in a community setting, facility, or environment operated by a district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives; 4. A student in a community setting or environment not operated by a district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals, with regularly scheduled instruction or direct involvement provided by district personnel; 5. A student in a facility not operated by a district with instruction provided by district personnel; or 6. A student in a self-contained program at a separate campus operated by the district that provides only special education and related services.
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 when the district is unable to provide FAPE for the student. This instructional arrangement/setting includes the providers listed in 19 Administrative Code 89.1094 [see Off-Camps Program, below].
Vocational Adjustment Class/Program	Although referred to as a class, the vocational adjustment class/program instructional arrangement/setting is a support program 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 transition plan, as documented in the student's IEP, and may include special education services received in career and technical education work-based learning programs.

Residential Care and Treatment Facility (Not District Resident)	The residential care and treatment facility (not district resident) instructional arrangement/setting refers to a facility at which a student with a disability currently resides, who was not placed at the facility by the student's ARD committee, and whose parent or guardian does not reside in the district providing educational services to the student. This instructional arrangement/setting is for providing special education and related services to a student on a district campus who resides in a residential care and treatment facility and whose parents do not reside within the boundaries of the district that is providing educational services to the student. 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, or if the student resides at a state-supported living center, the instructional arrangement will be considered the state school arrangement/setting. 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 (referred to as state school in Education Code 48.102) 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. *19 TAC 89.1005(e)*
Other Program Options	While the above provision uses the names of the instructional arrangements/settings as they are described in Education Code 48.102, there may be additional instructional arrangement/setting codes that are created by TEA. Other program options that may be considered for the delivery of special education and related services to a student may include contracts with other districts and other programs approved by TEA. *19 TAC 89.1005(d), (h)*
Contracts for Services	A district that contracts for services from nonpublic day schools or residential placements must do so in accordance with 34 C.F.R. 300.147, and 19 Administrative Code 89.1092 and 89.1094. *19 TAC 89.1075(g)*
Instructional Day	Students with disabilities must have available an instructional day commensurate with that of students without disabilities. The ARD

committee must determine the appropriate instructional setting and length of day for each student, and these must be specified in the student's IEP. *19 TAC 89.1075(f)*

A student's ARD committee shall determine the student's instructional arrangement/setting based on the percentage of the student's instructional day that the student receives special education and related services in a setting other than general education. *19 TAC 89.1005(c)*

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.

ESY shall be provided in accordance with 19 Administrative Code 89.1065.

34 C.F.R. 300.106(a); 19 TAC 89.1065(a)

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. *19 TAC 89.1094(e)(1)-(2)*
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 10 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. *19 TAC 89.1094(e)(3)*

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

Private School Students

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)-(iv) [See EHBAC regarding students in nondistrict placement.]

Preschool Students

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

Requests and Referrals for Evaluation

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Multi-tiered System

Referral of students for a full individual and initial evaluation (FIIE) must be a part of the district's multi-tiered system of academic and behavioral supports. Students not making progress in the general education classroom should be considered for all interventions and support services available to all students; such as tutorial, compensatory, response to evidence-based intervention, and other academic or behavior support services.

The district cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted.

District Obligation to Refer

If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time district personnel suspect a disability and a possible need for special education and related services, district personnel must refer the student for an FIIE.

A referral or request for an FIIE may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. While an FIIE is being conducted, a student must continue to receive any necessary interventions and support services to target their academic or behavioral needs.

19 TAC 89.1011(a)

Prior Written Notice

Parent

If a parent submits a written request to a district's director of special education services or to a district administrative employee, such as a campus principal, for a FIIE of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA), and an opportunity to give written consent for the evaluation; or

2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the Overview of Special Education for Parents form created by TEA, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

District

When a district initiates the referral for an FIIE of a student, the district must provide the parent with the information and materials described at item 1 above.

19 TAC 89.1011(b)-(c); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation Required

A district shall conduct an FIIE before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

Consent for Initial Evaluation

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

Time Frame for Completion of Written Report

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a FIIE of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year but the student was absent three or more school days between the time that the school district received written consent and the last instructional day of the school year, the timeline in item 1 above applies to the date the written report of the FIIE must be completed.

If the district received the written consent for the evaluation from the student's parent less than 35 school days before the last day of the school year, the timeline in item 1, above, applies to the date the written report of the FIIE must be completed.

19 TAC 89.1011(d)-(e)

For purposes of the timelines under this provision, "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year. *19 TAC 89.1011(i)-(j)*

These time frames do not apply if the parent repeatedly fails or refuses to produce the child for the evaluation. *34 C.F.R. 300.301(d)(1)*

Transfer Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. *34 C.F.R. 300.304(c)(5)*

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another district before the previous district completed the FIIE, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

2. The parent and the new school district agree to a specific time when the evaluation will be completed.

19 TAC 89.1011(f); Education Code 29.004; 20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e)

Student Communication

The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication. *Education Code 29.004(b)*

Psychological Examinations

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

Eligibility and Reevaluations

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;

2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and

3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code Subchapter A, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040(a)*

[For additional information on special education of students with dyslexia and related disorders, see EHB.]

Visual and Auditory Impairments

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Birth Through Age Two

Children from birth through the age of two with visual impairments (VI), who are deaf or hard of hearing (DHH), or who are deaf-blind (DB) must be enrolled at the parent's request by a district when the district becomes aware of a child needing services. The appropriate instructional arrangement [see EHBA] for students from birth through the age of two with VI, DHH, or DB shall be determined in accordance with the individualized family services plan, current attendance guidelines, and the agreement memorandum between TEA and Texas Health and Human Services Commission Early Childhood Intervention (ECI) Services. *19 TAC 89.1005(d)*

Determination of Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) [see EHBAB] committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIIE report indicates that the student would need extended school year services during that summer, the ARD committee must meet as expeditiously as possible after completion of the report.

Parent Copy

A copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility, or not later than June 30 if the district received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year.

19 TAC 89.1011(g)-(h); Education Code 29.004(a-1)

[For additional information regarding the evaluation and identification process when dyslexia is a suspected disability, see EHB.]

Consent for Services

Initial Provision of Services

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

Revoking Consent

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and

2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). *19 TAC 89.1070(g)*

Independent Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

At Public Expense

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or

2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

At Private Expense

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

Prescription Medication

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

Observations

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

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Admission, Review, and Dismissal Committee

A 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 [see EHBAA] 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 following:

1. 34 C.F.R. 300.320-300.325, and Education Code 29.005 (individualized education programs, below);
2. 34 C.F.R. 300.145-300.147 (relating to placement of eligible students in private schools by a school district [see EHBAC]);
3. 34 C.F.R. 300.132, 300.138, and 300.139 (relating to the development and implementation of service plans for eligible students placed by parents in private school who have been designated to receive special education and related services [see EHBAC]);
4. 34 C.F.R. 300.530 and 300.531, and Education Code 37.004 (disciplinary placement of students with disabilities [see FOF]);
5. 34 C.F.R. 300.302-300.306 (relating to evaluations, re-evaluations, and determination of eligibility [see EHBAA]);
6. 34 C.F.R. 300.114-300.117 (relating to least restrictive environment [see EHBA]);
7. Education Code 28.006 (reading diagnosis [see EKC]);
8. Education Code 28.0211 (satisfactory performance on assessments; accelerated instruction [see EHBCA]);
9. Education Code 28.0212 (junior high or middle school personal graduation plan [see EIF]);
10. Education Code 28.0213 (intensive program of instruction [see EHBC]);
11. Education Code Chapter 29, Subchapter I (programs for students who are deaf or hard of hearing [see EHBH]);
12. Education Code 30.002 (education for children with visual impairments [see EHBAA]);

13. Education Code 30.003 (support of students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf [see EHBAC]);

14. Education Code 33.081 (extracurricular activities [see FM]);

15. Education Code 37.004 (disciplinary placement of students with disabilities [see FOF]);

16. Education Code 37.307 (placement and review of a registered sex offender who is a student with a disability [see FOE]);

17. Education Code Chapter 39, Subchapter B (state assessment [see EKB]); and

18. Education Code 48.102 (special education funding).

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, as defined by 34 C.F.R. 300.30, of a student with a disability;

2. At least one general education teacher of the student (if the student is, or may be, participating in the general education environment), who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;

3. At least one special education teacher or, if appropriate, at least one special education provider of the student;

4. A representative of the district who:

   a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

   b. Is knowledgeable about the general education curriculum; and

   c. Is knowledgeable about the availability of resources of the district;

5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;

6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2-5;

7. The student, if appropriate;

8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;

9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;

10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;

11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

12. For a student who is suspected or identified with dyslexia, when determining initial or continued eligibility, a professional who meets the requirements of Education Code 29.0031(b), and 19 Administrative Code 74.28, including any handbook adopted in the rule. [See EHB]

13. 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

14. When considering initial or continued placement of a student in a career and technical education (CTE) program, a representative from CTE, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.156.

19 TAC 75.1023(d)(1), 89.1050(c); 20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the

district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)(1)-(2);19 TAC 89.1050(c)(4)

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 Participation

A district must take steps to ensure that one or both parents 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; and
2. Scheduling the meeting at a mutually agreed on time and place.

Parent Notice

The district must provide the parents with written notice of the ARD committee meeting at least five school days before the meeting unless the parents agree to a shorter timeframe.

The notice must:

1. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
2. Inform the parents of the provisions in 34 C.F.R. 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child), and 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP team meeting for a child previously served under Part C).
3. For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team:
    a. Indicate:
        (1) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with 34 C.F.R. 300.320(b); and
        (2) That the district will invite the student; and

b. Identify any other agency that will be invited to send a representative.

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. *19 TAC 89.1050(d); 20 U.S.C. 1414(f); 34 C.F.R. 300.322(c)*

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 above at Parent Participation and Parent Notice or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

A district must provide the parent with a written notice regarding the ARD committee meeting required above at Parent Participation and Parent Notice or 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 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)*

Students New to a District

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district , the new district must meet the requirements of 34 C.F.R. 300.323(e) by either adopting the student's IEP from the previous district or developing, adopting, and implementing a new IEP. The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 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 or previous district verifies that the student had an IEP that was in effect in the previous district, the new district must, if determined necessary, conduct a full individual and initial evaluation and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP, within the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation) [see EHBAA]. If the district determines that an evaluation is not necessary, the timeline for the new district to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1055(s)(1)-(2); 20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g)

Transfer During the Summer

The above provisions regarding transfer apply to students who register in a new district in the state during the summer when students are not in attendance for instructional purposes, based on whether the students are coming from an in-state or out-of-state district.

Records

In accordance with 34 C.F.R. 300.323(g), the new district must take reasonable steps to promptly obtain the student's records from the previous district, and the previous district must furnish the new district with a copy of the student's records, including the student's special education records, not later than the 10th working day after the date a request for the information is received by the previous district.

Verification

For the purposes of these provisions, "verify" means that the new district has received a copy of the student's IEP that was in effect

in the previous district. The first school day after the new district receives a copy of the student's IEP that was in effect in the previous district begins the timelines associated with 19 Administrative Code 89.1055(s)(1)-(2), above.

If a parent hasn't already provided verification of eligibility and the new district has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date a request for the records was submitted by the new district to the previous district, the new district must seek verification from the student's parent. If the parent provides verification, the new district must comply with all these provisions. The new district is encouraged to ask the parent to provide verification of eligibility before the 15th working day after the date a request for the records was submitted by the new district to the previous district. If the parent is unwilling or unable to provide such verification, the new district must continue to take reasonable steps to obtain the student's records from the previous district and provide any services comparable to what the student received at the previous district if they communicate those to the new district.

Services Before Verification

While the new district waits for verification, the new school district must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if the new district has been informed by the previous district of the student's special education and related services and placement.

Comparable Services

Once the new district receives verification that the student had an IEP in effect at the previous district, comparable services must be provided to a student during the timelines established under 19 Administrative Code 89.1055(s)(1)-(2), above.

Comparable services include provision of extended school year (ESY) services if those services are identified in the previous IEP or if the new district has reason to believe that the student would be eligible for ESY services.

19 TAC 89.1055(s)(3)-(8)

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 is completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation).

When a student who is homeless or in substitute care is eligible for special education and transfers into a new district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

Individualized Education Program

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term “individualized education program” means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student’s present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student’s progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;

8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;

9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of ESY services, identification of the goals and objectives that will be addressed during ESY services;

11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];

12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];

13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;

14. The date of the meeting;

15. The name, position, and signature of each member participating in the meeting; and

16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by the Texas Education Agency (TEA) under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Content of the IEP

Goals

To be considered a measurable annual goal under 34 C.F.R. 300.320(a)(2), a goal must include the components of a timeframe, condition, behavior, and criterion. While at least one measurable annual goal is required, the number of annual goals will be determined by the ARD committee after examination of the student's present levels of academic achievement and functional performance and areas of need.

Annual goals are also required in the following circumstances:

1. When the content of a subject/course is modified, whether the content is taught in a general or special education setting, in order to address how the content is modified; and
2. When a student is removed from the general education setting for a scheduled period of time but the content of the subject/course is not modified (e.g., a student who is progressing on enrolled grade level curriculum but requires a more restrictive environment for a period of time due to behavioral concerns).

Benchmarks

Short-term objectives/benchmarks, used as intermediary steps or milestones toward accomplishing an annual goal, may be included in a measurable annual goal. Short-term objectives/benchmarks:

1. Must be included in an annual goal if the ARD committee has determined that a student will not participate in the general state assessment; and
2. Regardless of whether the objectives/benchmarks are related to a student not participating in the general state assessment, cannot be used as the criterion to indicate mastery of the annual goal.

Assessments

The IEP must include a statement of any individual appropriate and allowable accommodations in the administration of state assessment instruments [see EKB], or districtwide assessments of student achievement (if the district administers such optional assessments) that are necessary to measure the academic achievement and functional performance of the student on the assessments.

If the ARD committee determines that the student will not participate in a general statewide or districtwide assessment of student achievement (or part of an assessment), the following requirements must be met.

1. The IEP must include a statement explaining:
    a. Why the student cannot participate in the general assessment; and

b. Why the particular alternate assessment selected is appropriate for the student, and

2. TEA's alternate assessment participation requirements form, if one is made available to districts, must be included in the student's IEP to document the statement required under this provision.

Extended School Year

If the ARD committee determines that the student is in need of ESY services, as described in 19 Administrative Code 89.1065 [see EHBA], then the IEP must identify which of the goals and objectives in the IEP will be addressed during ESY services.

19 TAC 89.1055(b)-(e)

Supplemental Special Education Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and

2. Instructions regarding accessing the account.

Education Code 29.048

A district shall notify families of their eligibility for the program and, unless the district has verified that a parent has already received or applied for a program grant, shall provide the following at the student's ARD committee meeting: instructions and resources on accessing the online accounts, including the application window established by TEA, and information about the types of goods and services that are available through the program grant.

A student's ARD committee may not consider a student's current or anticipated eligibility for any materials or services that may be provided under these provisions when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

19 TAC 102.1601(j)-(k)

Behavioral Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:
    a. The placement of the student in a different educational setting;
    b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
    c. A pattern of unexcused absences; or
    d. An unauthorized, unsupervised departure from an educational setting; or
2. The safety of the student or others.

19 TAC 89.1055(j); Education Code 29.005(h)

Translation of IEP into Native Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral

translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Written Copy

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 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 89.1055(r)

Dyslexia or a Related Disorder

For students identified with the specific learning disability of dyslexia or a related disorder eligible under 19 Administrative Code 89.1040(c)(9), the IEP must also be developed and implemented in accordance with the requirements under 19 Administrative Code 74.28 [see EHB]. *19 TAC 89.1055(i)*

Autism/Pervasive Developmental Disorder

For students with autism eligible under 19 Administrative Code 89.1040(c)(1) (relating to Eligibility Criteria), the strategies described in this provision must be considered, at least annually based on peer-reviewed, research-based educational programming practices to the extent practicable, and, when needed, addressed in the IEP:

1. Extended educational programming (for example: extended day and/or extended school year services that consider the duration of programs/settings based on data collected related to behavior, social skills, communication, academics, and self-help skills);

2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);

3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social, behavioral, communication, and self-help skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);

4. Positive behavior support strategies based on relevant information (for example: antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and a behavioral intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings and is implemented and reviewed);

5. Beginning at any age, futures planning for integrated learning and training, living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments, including self determination and self-advocacy skills;

6. Parent/family training and support, provided by qualified personnel with experience in autism, that, for example;

    a. Provides a family with skills necessary for a student to succeed in the home/community setting;

    b. Includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching/management techniques related to the student's curriculum); and

    c. Facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);

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 as determined by, for example:

    a. Adaptive behavior evaluation results;

    b. Behavioral accommodation needs across settings; and

    c. Transitions within the school day;

8. Communication interventions, including language forms and functions that enhance effective communication across set-

tings (for example: augmentative, incidental, and naturalistic teaching);

9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings (e.g., peer-based instruction and intervention, video modeling, social narratives, and role playing);

10. Professional educator/staff support (for example: training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP); and

11. Teaching strategies based on peer-reviewed, research-based practices for students with autism (for example: those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).

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(g)-(h)

Visual Impairment or Hard of Hearing

For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan must also meet the requirements of Education Code 30.002(e). *19 TAC 89.1055(f)*

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(c)*

For a student from birth through two years of age with a visual impairment or who is deaf or hard of hearing, an individualized family services plan meeting must be held in place of an ARD committee meeting in accordance with the memorandum of understanding between TEA and the Texas Health and Human Services Commission. For students three years of age and older, a district must develop an IEP. *19 TAC 89.1050(b)*

Collaborative Process

All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing the IEP. The district must take all reasonable actions necessary to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is a language

other than English. A decision of the ARD committee concerning required elements of the IEP must 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 10 school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, the district must 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.

The written statement of the IEP must document the decisions of the ARD committee with respect to issues discussed at each ARD committee meeting. The written statement must also include:

1. The date of the meeting;
2. The name, position, and signature of each member participating in the meeting; and

3. 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

19 TAC 89.1055(p)-(q)

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. *Education Code 29.005(c)*

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)

Eligibility Folder

A district must maintain an eligibility folder for each student receiving special education and related services, in addition to the student's cumulative record. The eligibility folder must include, but will not be limited to, copies of referral data; documentation of notices and consents; evaluation reports and supporting data; ARD committee reports; and the student's IEPs and supporting data. *19 TAC 89.1075(a)*

Teacher Access to IEP

A 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, such as goals and objectives, and of needed accommodations, modifications, and supports for the student; and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(d)*

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 general education 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(e)

Private School — District Placed

Student Receives IEP

If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. *20 U.S.C. 1412(a)(10)(B)(i)*

Private School — Parent Placed

When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). *19 TAC 89.1096(b)*

Offer of FAPE Rejected

Student Receives ISP

If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. *20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)*

FAPE Offered but Not Provided

Reimbursement

If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at 34 C.F.R. 300.148(d). *20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)*

Home School Students

A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. *19 TAC 89.1096(a)(2)*

Individualized Services Plan (ISP)

Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

34 C.F.R. 300.137, .138

Dual Enrollment

Parents shall have the right to "dual enroll" an eligible student age three or four in both the public school and a private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district's kindergarten program, whichever comes first, subject to the following:

1. The student's ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

19 TAC 89.1096(c)

Responsible District

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

19 TAC 89.1096(c), (d)

Transportation

If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

District Charter Schools

A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. *20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)*

Residential Facilities

Identification of Students

A school must initiate Child Find outreach activities to locate, evaluate, and identify eligible students in any residential facility within its boundaries. If a student is eligible, a district must provide the required special education and related services to the student unless, after contacting the facility to offer those services to eligible students with disabilities, the facility can demonstrate that the services are provided by another educational program provider, such as a charter school, approved nonpublic school, or a facility operated private school. However, the district shall, at minimum, contact the facility at least twice per year to conduct Child Find activities and to offer services to eligible students with disabilities.

Residential facility refers to a facility defined by Education Code, 5.001(8), which includes any person, facility, or entity that provides 24-hour custody or care of a person residing in the facility for detention, treatment, foster care, or any noneducational purpose.

19 TAC 89.1001(c)

District Placements

Day Program

A district may contract with a nonpublic or nondistrict operated day program provider in accordance with the requirements in 19 Administrative Code 89.104.

Residential Placement

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 89.1092(b)*

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)*

Notification

Within 30 calendar days from an ARD committee's decision to place or continue the placement of a student in a nonpublic residential program, a district must electronically submit to the Texas Education Agency (TEA) notice of and information regarding the placement in accordance with submission procedures specified by TEA. *19 TAC 89.1092(c)*

School for the Blind and Visually Impaired and School for the Deaf

A district shall share the cost of education (excluding the summer program) for each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.

Before considering the student's educational placement for special education services, a district shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired:

1. The availability of programs offered.
2. The eligibility and admissions requirements.
3. The student's rights to admission and to appeal admission decisions.

Education Code 30.003(a), .004(a); 19 TAC 89.62

A student's ARD committee may place the student at the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) in accordance with the provisions at 19 Administrative Code 89.1085 and .1090. *19 TAC 89.1085, .1090*

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

14 Years of Age

Not later than the first individualized education program (IEP) to be in effect when a student turns 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the IEP:

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. Appropriate involvement in the student's transition by the student's parents and other persons invited to participate by the student's parents or the district in which the student is enrolled;
3. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
4. An appropriate functional vocational evaluation;
5. Appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act [42 U.S.C. 1396n(c)]; and
6. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and supports and services to foster the student's independence and self-deter-

mination, including a supported decision-making agreement under Estates Code Chapter 1357.

Beginning not later than the first IEP to be in effect when the student turns 14 years of age, or younger if determined appropriate by the ARD committee, the IEP must include:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals .

18 Years of Age

Beginning not later than the first IEP to be in effect when the student turns 18 years of age, the ARD committee must consider and, if appropriate, address the following issues in the student's IEP:

1. Involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
   a. Is invited to participate by the student or the district in which the student is enrolled; or
   b. Has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code Chapter 1357; and
2. The availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives.

Annual Review

A student's ARD committee shall review at least annually the issues described above and, if necessary, update the portions of the student's IEP that address those issues.

[See EHBAB regarding membership of ARD committee for transition services meetings.]

19 TAC 89.1055(k)-(o); 20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011(a-1), .0111

Transition and Employment Designee

The transition and employment designee required of each district must complete the required training as developed by the commissioner of education and provide information about transition requirements and coordination among parents, students, and appro-

priate state agencies to ensure that school staff can communicate and collaborate effectively. *19 TAC 89.1075(i)*

Transition and Employment Guide

The Texas Education Agency (TEA) is required to develop a transition and employment guide for students enrolled in special education programs and their parents to provide information on statewide services and programs that assist in the transition to life outside the public school system. A school district shall:

1. Post the transition and employment guide on the district's website if the district maintains a website;
2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:
    a. The first meeting of the student's ARD committee at which transition is discussed; and
    b. The first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and
3. On request, provide a printed copy of the guide to a student or parent.

Education Code 29.0112(a), (e)

Graduation

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(3)(D), (f)(1), (f)(2), (f)(3) or (f)(4)(D) 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 FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall in-

clude recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2)

Driving with Disability Program

A district shall provide information regarding the Texas Driving with Disability Program to students who have a health condition or disability that may impede effective communication with a peace officer and who receive special education services or who are covered by Section 504 and their parents.

The information shall be provided to each student who is 16 years of age or older and annually until the earlier of the student's graduation from high school or 21st birthday.

Education Code 29.0113(a)-(b)

Procedural Safeguards

A district shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). *20 U.S.C. 1415(a)*

These procedures shall include the following:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 C.F.R. 300.501*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 C.F.R. 300.502*
3. Protecting the rights of a child when no parent can be identified, a district cannot locate the parents, or the child is a ward of the state, which may include the assignment of an individual to act as a surrogate parent. *34 C.F.R. 300.519*
4. Prior written notice to the parents when a district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 C.F.R. 300.503* [See Prior Notice and Consent, below]
5. Procedures to allow parties to resolve disputes through a mediation process. *34 C.F.R. 300.506*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. [See Dispute Resolution, below] *34 C.F.R. 300.507*
7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). *34 C.F.R. 300.508*

Consent

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

   If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the district is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 C.F.R. 300.9

Language of Notices

The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 C.F.R. 300.503(c), .504(d)*

Electronic Delivery of Notices

A parent may elect to receive the procedural safeguards notice, prior notice, or notice of due process complaint by electronic mail if a district makes that option available. *34 C.F.R. 300.505*

Notice of Procedural Safeguards

A district shall provide a copy of the procedural safeguards to parents only one time a year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

A district may place a current copy of the procedural safeguards notice on its website, if it has one.

Contents of Notice

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;

5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
    a. The time period in which to file a complaint;
    b. The opportunity for the district to resolve the complaint; and
    c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

20 U.S.C. 1415(a)-(b), (d); 34 C.F.R. 300.504

Prior Notice and Consent

Whenever a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of FAPE to the student, the district must provide prior written notice, including providing the notice in the parent's native language or other mode of communication. This notice must be provided to the parent at least five school days before the district proposes or refuses the action unless the parent agrees to a shorter timeframe. 19 *TAC 89.1050(g), .1075(h); 34 C.F.R. 300.503(a)*

Contents of Notice

The notice must include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;

4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;

5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Act (IDEA) rules;

6. A description of other options the admission, review, and dismissal (ARD) committee [see EHBAB] considered and the reasons why those options were rejected; and

7. A description of other factors that are relevant to the district's proposal or refusal.

34 C.F.R. 300.503(b)

Consent to Initial Evaluation

Before a district conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the district proposes to conduct, and obtain informed consent for the evaluation from the parents. *20 U.S.C. 1414(a)(1)(D), (E); 34 C.F.R. 300.304(a)*

Consent to Services

A district shall seek informed consent from the parent before providing special education and related services to a child. *20 U.S.C. 1414(a)(1)(D)* [See EHBAA]

Consent to Reevaluation

A district shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the district can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. *20 U.S.C. 1414(c)(3)*

Psychological Examinations and Tests

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, a district shall provide to the child's parent:

1. The name and type of the examination or test; and

2. An explanation of how the examination or test will be used to develop an appropriate individualized education program (IEP) for the child.

If a district determines that an additional examination or test is required for the evaluation of a child's need for special education, the district shall provide the information above to the parent regarding

the additional examination or test and shall obtain additional consent for the examination of test.

Education Code 29.0041(a), (b)

Dispute Resolution

The possible options for resolving disputes that arise between a parent and a school district relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by the district, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to the district's policies, with the campus principal, special education director, superintendent, or board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through the Texas Education Agency (TEA) in accordance with 19 Administrative Code 89.1193;
6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151-.1191.

19 TAC 89.1150

Due Process Complaint

Whenever a due process complaint has been received by a district, the parent or the district shall have an opportunity for an impartial due process hearing, which shall be conducted by an impartial hearing officer selected by TEA. [For TEA rules on due process. hearings, see 19 Administrative Code 89.1151-.1191.] *20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(a), .1170(a)*

Timeline

Beginning September 1, 2022, a parent or a district must request a hearing within two years of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled, as described below.

Prior to September 1, 2022, a parent or public education agency must request a hearing within one year of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled

pursuant to 50 U.S.C. 3936, as set forth in 19 Administrative Code 89.1151(e), below.

19 TAC 89.1151(c)

Tolled Timeline

TEA will include in the Notice of Procedural Safeguards a statement that the statute of limitations for the parent of a student to request an impartial due process hearing may be tolled if:

1. The parent is an active-duty member of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the United States Public Health Service; and
2. 50 U.S.C. 3936 (statute of limitations for military service) applies to the parent.

19 TAC 89.1151(e)

Timeline Exception

This timeline shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by a district that it had resolved the problem forming the basis of the complaint; or
2. A district's withholding of information from the parent that the district was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 C.F.R. 300.511(f); 19 TAC 89.1151(d)

"Stay Put"

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the district and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 C.F.R. 300.518, .533*

Exception

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 C.F.R. 300.533* [See FOF]

Resolution Process

Within 15 calendar days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, a district shall convene a meeting with the parent and the relevant

member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use the mediation process.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's request for a hearing.

34 C.F.R. 300.510; 19 TAC 89.1183

Transfer of Rights to Adult Students

Before the 18th Birthday

Beginning at least one year before a student reaches 18 years of age, the student's IEP must include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code Chapter XIII, Guardianship, all rights granted to the parent under IDEA, Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18.

The IEP must also state that the student has been provided information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code Chapter 1357, and other supports and services that may enable the student to live independently.

If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the district, the district shall provide to the student or parent information and resources on supported decision-making agreements under Estates Code Chapter 1357.

After the 18th Birthday

After the student reaches the age of 18, the district shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31 shall have the same right to make educational decisions as a student without a disability. All other

rights accorded to parents under Education Code Chapter 29, Subchapter A or 20 U.S.C. 1415 transfer to the student.

19 TAC 89.1049(a), (c); 34 C.F.R. 300.520; Education Code 29.017(a), (c)-(c-2)

Notice

A district must notify in writing the adult student and parent of the transfer of parental rights, as described above, at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice of 300 C.F.R. 300.503 [see Prior Notice and Consent, above], but must include a statement that parental rights have transferred to the adult student. The notice must also include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code Chapter 1357, and other supports and services that may enable the student to live independently, and must provide contact information for the parties to use in obtaining additional information.

A notice under IDEA, Part B, which is required to be given to an adult student and parent, does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an ARD committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, the adult student or the district may invite individuals who have knowledge or special expertise regarding the student, including the parent.

19 TAC 89.1049(c); 34 C.F.R. 300.520(a)(3); Education Code 29.017(c);

Special Education Decision-Making for Children in Foster Care

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. Section 1415(b) and its subsequent amendments, if:

1. The Department of Family and Protective Services (DFPS) is appointed as the temporary or permanent managing conservator of the child;
2. The rights and duties of the department to make decisions regarding education provided to the child under Family Code 153.371 have not been limited by court order; and
3. The foster parent agrees to:
    a. Participate in making special education decisions on the child's behalf; and

b. Complete a training program that complies with minimum standards established by agency rule.

Training

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled ARD committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

A district may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. DFPS;
2. A school district;
3. An education service center; or
4. Any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent by a school district may file a complaint with TEA in accordance with federal law and regulations.

Not later than the fifth day after the date a child with a disability is enrolled in a school, DFPS must inform the appropriate school district if the child's foster parent is unwilling or unable to serve as a parent.

Education Code 29.015; 19 TAC 89.1047

Appointment of Surrogate Parent for Certain Children

These provisions apply to a child with a disability for whom:

1. DFPS is appointed as the temporary or permanent managing conservator of the child; and
2. The rights and duties of the department to make decisions regarding the child's education under Family Code 153.371 have not been limited by court order.

A school district must appoint an individual to serve as the surrogate parent for a child if the district is unable to identify or locate a parent for a child with a disability or the foster parent of a child is unwilling or unable to serve as a parent for the purposes of this subchapter.

Education Code 29.0151(a)-(b)

Eligibility and Duties of a Surrogate Parent

A surrogate parent appointed by a school district may not be an employee of TEA, the school district, or any other agency involved in the education or care of the child; or have any interest that conflicts with the interests of the child.

A surrogate parent appointed by a district must:

1. Be willing to serve in that capacity;
2. Exercise independent judgment in pursuing the child's interests;
3. Ensure that the child's due process rights under applicable state and federal laws are not violated;
4. Complete a training program that complies with minimum standards established by agency rule within the time specified in Education Code 29.015(b);
5. Visit the child and the school where the child is enrolled;
6. Review the child's educational records;
7. Consult with any person involved in the child's education, including the child's:
    a. Teachers;
    b. Caseworkers;
    c. Court-appointed volunteers;
    d. Guardian ad litem;
    e. Attorney ad litem;
    f. Foster parent; and
    g. Caregiver; and
8. Attend meetings of the child's ARD committee.

The district may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate, as provided under Section 107.031(c), Family Code, as the child's surrogate parent.

Education Code 29.0151(c)-(d); 19 TAC 89.1047

Notice of Appointment

As soon as practicable after appointing a surrogate parent, a district shall provide written notice of the appointment to the child’s educational decision-maker and caseworker as required under Education Code 25.007(b)(10)(H) [see FFC]. *Education Code 29.0151(e-1)*

Failure to Properly Perform	If a court appoints a surrogate parent for a child with a disability under Family Code 263.0025, and the school district determines that the surrogate parent is not properly performing the duties, the district shall consult with DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child. *Education Code 29.0151(f); 19 TAC 89.1047*

Using criteria established by the State Board of Education, a district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. Under this provision, a district may establish a shared services arrangement with other districts.

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

Education Code 29.122

Definition

"Gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121

Identification Policies

A district shall develop written policies on student identification that are approved by the board and disseminated to parents. The policies must include:

1. Provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in Education Code 29.121.
2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.
3. Data and procedures designed to ensure that students from all populations in a district have access to assessment and, if identified, services for the gifted/talented program.
4. Provisions for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students.
5. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

The policy must not limit the number of students the district may identify as gifted/talented or served under the district's program for gifted/talented students.

19 TAC 89.1

Fiscal Policy

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

The policy must:

1. Ensure that 100 percent of state funds allocated for gifted/talented education are spent on providing gifted/talented services or enhancing the district's gifted and talented program; and
2. Establish a method to account for the expenditure of the gifted and talented allotment in alignment with the Texas Education Agency's financial compliance guidance.

19 TAC 89.4

Program Accountability

A district shall ensure that:

1. Student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented (State Plan);
2. It annually certifies to the commissioner of education that the district's program for gifted/talented students is consistent with the State Plan and that the district's use of funds complies with 19 Administrative Code 89.4 [see Fiscal Policy, above]; and
3. The board annually measures the performance of the district in providing gifted/talented services in alignment with the State Plan.

19 TAC 89.5

Learning Opportunities

A district shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently.
2. A continuum of learning experiences that leads to the development of advanced-level products and performances.

3. In-school, and when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year.

4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Note: See DMA(LEGAL) for training requirements for teachers of gifted and talented education.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Identification Criteria

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

Selection

A placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the placement committee or a parent determines the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the placement committee regarding services in the gifted and talented program. Appeals shall be made first to the placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members,

administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program are spent providing and enhancing the District's program and that a method accounting for expenditures related to the gifted and talented program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

To ensure that each student achieves at least satisfactory performance on each state assessment instrument, a district shall ensure that the district's curricular and instructional systems provide instruction to all students that is consistently aligned with the essential knowledge and skills for the applicable subject area and grade level; and strategically and timely addresses deficiencies in the prerequisite essential knowledge and skills for the applicable subject area and grade level. *Education Code 28.0211(a)*

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered in grades 3-8 or on an end-of-course assessment instrument, other than an assessment instrument developed or adopted based on alternative academic achievement standards, the district the student attends shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and, subject to the limitations at Exceptions, below, either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or

2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see Supplemental Instruction Requirements, below].

The assessments in this provision include a state assessment instrument administered under Education Code 39.023(a) [see EKB] in third through eighth grade or an end-of-course assessment instrument. The assessments also include a Spanish assessment for emergent bilingual students but exclude an assessment instrument developed or adopted based on alternative academic achievement standards.

19 TAC 104.1001; Education Code 28.0211(a-1)

Exceptions

Accelerated instruction requirements do not apply to a student who is retained at a grade level for the school year in which those requirements would otherwise apply.

A district may not be required to provide supplemental instruction to a student in more than two subject areas per school year. If the district would otherwise be required to provide supplemental instruction to a student in more than two subject areas for a school year, the district shall prioritize providing supplemental instruction to the student in mathematics and reading, or Algebra I, English I, or English II, as applicable, for that school year.

Education Code 28.0211(a-7)-(a-8)

A district is not required to provide accelerated instruction to a student who, instead of being administered an assessment instrument specified above, was administered a substitute assessment instrument in accordance with other law or Texas Education Agency (TEA) rule authorizing the use of the substitute assessment instrument for purposes of satisfying the requirements concerning the applicable assessment instrument. *Education Code 28.0211(a-10)*

Off-Campus Arrangements

If a student who attends school in a homebound or other off-campus instructional arrangement, including at a residential treatment campus or state hospital, is unable to participate in an accelerated instruction program due to the student's condition, the district may determine that the student be provided the accelerated instruction when the student attends school in an on-campus instructional setting. If the student's condition prevents the student from attending school in an on-campus instructional setting for the school year during which the accelerated instruction is required to be provided to the student, the district is not required to provide the accelerated instruction to the student for that school year. *Education Code 28.0211(i-1)*

Participation Requirements

Accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. *19 TAC 104.1001(c)*

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 for the grade level in which the student is enrolled [see EHA series]; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

Education Code 28.0211(a-3)

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for accelerated instruction.

19 TAC 104.1001(c)(1)

Supplemental Instruction Requirements

If a district receives funding under Education Code 29.0881 or Education Code 48.104 [see EHBC], the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided during the subsequent summer or school year:
    a. To each student for no less than:
        (1) 15 hours; or
        (2) 30 hours for a student whose performance on the applicable assessment instrument was significantly below satisfactory, as below; and
    b. Unless the instruction is provided fully during summer, include instruction no less than once per week during the school year, except as otherwise provided by commissioner rule to account for school holidays or shortened school weeks;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than four students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and
8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

Education Code 28.0211(a-4); 19 TAC 104.1001

Significantly Below Satisfactory	A district shall provide students who fail to perform satisfactorily on an applicable state assessment instrument no less than 15 hours of supplemental instruction or no less than 30 hours of supplemental instruction for students who scored Low Did Not Meet Grade Level as indicated by state-provided district-level data files or failed to perform satisfactorily on any grade 3 assessment. *19 TAC 104.1001(d)*
Parent Choice	A parent or guardian of a student to whom supplemental instruction will be provided and who either was administered and failed to perform satisfactorily on an assessment instrument specified above or was administered a beginning-of-year assessment instrument aligned with the essential knowledge and skills for the applicable subject area, including a student to whom an accelerated education plan applies, may elect to modify or remove a requirement for that instruction under Education Code 28.0211(a-4) by submitting a written request to an administrator of the campus at which the student is enrolled. A district may not encourage or direct a parent or guardian to make an election under this provision that would allow the district to not provide supplemental instruction to the student or provide supplemental instruction in a group larger than authorized. *Education Code 28.0211(a-9)*
Transportation	A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours, unless the district does not operate, or contract or agree with another entity to operate, a transportation system. *Education Code 28.0211(j)*
Unlisted Service Provider	A district may use a service provider that is not on a list of service providers approved by TEA if the district can demonstrate to the commissioner that use of the service provider results in measurable improvement in student outcomes. *Education Code 28.0211(a-12)*
Optional Assessment	A school district that is required to provide to a student accelerated instruction or supplemental instruction is not required to provide additional instruction under either provision to the student based on the student's failure to perform satisfactorily on an assessment instrument administered as an optional assessment in the same subject area in which the district is required to provide the student the accelerated or supplemental instruction. *Education Code 28.0211(a-13)*
Notice to Parents	A district shall provide to the parent or guardian of a student who fails to perform satisfactorily on a state assessment instrument

specified above notice that the student is not performing on grade level in the applicable subject area. The district must provide the notice at a parent-teacher conference or, if the district is unable to provide the notice at a parent-teacher conference, by another means. TEA shall develop and provide to districts a model notice in plain language for use under this provision. *Education Code 28.0211(a-14)*

In each instance in which a district is specifically required to provide notice or a written copy to a parent or guardian of a student, the district shall make a good faith effort to ensure that such notice or copy is provided either in person or by regular mail and that the notice or copy is clear and easy to understand and is written in English or the parent or guardian's native language. *Education Code 28.0211(h)*

Parent Request

A district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily a state assessment instrument under Education Code 28.0211(a-1) [see above] to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5); 19 TAC 104.1001(g)*

Assessments Not Required

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or

2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course (EOC) assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of fail-

ure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

Education Code 28.0211(o)-(p)

Students At Risk

A district shall provide accelerated instruction to an enrolled student who has taken an EOC assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school [see EHBC].

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

No Available Test Score

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis. This provision may not be used to excuse a student from appropriate accelerated instruction. *19 TAC 104.1001(b)(4)*

Accelerated Education Plan

For each student who does not perform satisfactorily on a state assessment instrument specified above for two or more consecutive school years in the same subject area, the district the student attends shall develop an accelerated education plan and provide the student at least 30 hours of supplemental instruction. *19 TAC 104.1001; Education Code 28.0211(b)*

Not later than the start of the subsequent school year, a district shall develop an accelerated education plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level or course by the conclusion of the school year.

The plan must:

1. Identify the reason the student did not perform satisfactorily on the applicable assessment instrument; and

2. Require the student to be provided with no less than 30 hours, or a greater number of hours if appropriate, of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the assessment instrument in the applicable subject area.

The plan may require that, as appropriate to ensure the student performs satisfactorily on the assessment instrument in the applicable subject area at the next administration of the assessment instrument:

1. The district expand the times in which supplemental instruction is available to the student;

2. The student be assigned for the school year to a specific teacher who is better able to provide accelerated instruction; and

3. The district provide any necessary additional resources to the student.

The accelerated education plan must be documented in writing, and a copy must be provided to the student's parent or guardian.

During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the accelerated education plan.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an accelerated education plan.

Education Code 28.0211(f)-(f-3)

Parent Conference

A district shall make a good faith attempt to provide to the parent or guardian of a student to whom an accelerated education plan applies a parent-teacher conference with the student's primary teacher at the start and end of the subsequent school year.

At the conference, the district shall provide the student's parent or guardian with:

1. The notice required under Education Code 28.0211(a-14); and

2. An explanation of:

a. The accelerated instruction to which the student is entitled under this provision, and

b. The accelerated education plan that must be developed for the student and the manner in which the parent or guardian may participate in developing the plan.

Education Code 28.0211(b-1); 19 TAC 104.1001(e)

Classroom Assignment

Except as requested under Education Code 28.0211(a-5), a student for whom an accelerated instructional plan must be developed must be assigned, in each school year and subject covered by the accelerated education plan, to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

Education Code 28.0211(n)-(n-1)

ARD Committee Review

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a state assessment instrument described above shall, at the student's next annual review meeting, review the student's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan.

The student's parent may request, or the district may schedule, an additional committee meeting if a committee member believes that the student's individualized education program needs to be modified based on the accelerated instruction requirements. If the district refuses to convene a committee meeting requested by the student's parent, the district shall provide the parent with written notice explaining the reason the district refuses to convene the meeting.

Education Code 28.0211(i)

Repeating a High School Course

For courses taken for high school credit, a student who is required to repeat any course in which the student was enrolled in during the previous school year and who is eligible for accelerated instruction for the current school year is exempt from accelerated instruction requirements for that specific course if that course is retaken in its entirety (i.e., to earn a full credit). However, a student who is participating in credit recovery is still required to receive accelerated instruction.

For the purpose of this provision, credit recovery means completing a certain number of assignments to satisfy the course requirements after failure or a certain number of seat hours after excessive absences.

19 TAC 104.1001(i)

Commissioner Waiver

The commissioner may waive the requirements regarding accelerated instruction for a district for each school year in which at least 60 percent of the students who received accelerated instruction during the school year immediately preceding the previous school year, including at least 60 percent of students whose performance on the applicable assessment instrument was significantly below satisfactory, as defined by commissioner rule, performed satisfactorily in the previous school year on the assessment instrument in each subject in which the student previously failed to perform satisfactorily. For purposes of determining whether a school district qualifies for a waiver, the commissioner shall:

1. If a student received accelerated instruction in more than one subject during the applicable school year, consider the student's performance on the assessment instrument in each subject separately from the student's performance on the assessment instrument for each other subject; and

2. By rule provide that a district may not qualify for a waiver if students who are receiving special education services or are educationally disadvantaged are overrepresented among the students in the district who received accelerated instruction during the school year immediately preceding the previous school year and did not perform satisfactorily in the previous school year on the assessment instrument in each applicable subject.

Education Code 28.0211(q); 19 TAC 104.1001(h)

Ratio Waiver

A district may provide accelerated instruction using a product on the Ratio Waiver List on the TEA website with information related to accelerated instruction. The 4:1 student-to-teacher ratio requirement above does not apply to a district using a listed product to provide accelerated instruction to its students.

The Ratio Waiver List consists of products that use an automated, computerized, or other augmented method for providing accelerated instruction under Education Code 28.0211(a-1)(2), that may be used in lieu of some or all of the individual or group supplemental instruction, as appropriate for the applicable grade level and subject area and a student's academic deficiency.

A district shall:

1. Notify the parent or guardian of the use of a product on the Ratio Waiver List for providing the required accelerated instruction;
2. Ensure that the required hours of supplemental instruction are completed prior to the subsequent State of Texas Assessments of Academic Readiness (STAAR®) administration;
3. Use a product on the Ratio Waiver List remotely, regardless of primary mode of instruction (i.e., in-person, virtual, or hybrid) only if the district ensures that time spent by the student engaged in the product is aligned with approved product usage expectations documented by the district;
4. Adhere to the product usage fidelity requirements by product as approved by TEA to waive ratio requirements. A district not fulfilling usage fidelity with a product will be required to revert to the 4:1 ratio for supplemental instruction; and
5. Be responsible for contracting and funding the selected vendors included on the TEA list of approved vendors.

19 TAC 104.1001(g)

Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

Tuition-Free Prekindergarten Program

A district shall offer prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age. A district may offer prekindergarten if it identifies 15 or more eligible children who are at least three years of age.

A district may not charge tuition for a prekindergarten program offered under these provisions.

Definitions

In this section:

1. "Child" includes a stepchild.
2. "Parent" includes a stepparent.

Eligibility

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless [see FD] regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201 or foster care in another state or territory, if the child resides in Texas; or
7. Is the child of a person eligible for the Star of Texas Award as:
    a. A peace officer under Government Code 3106.002;
    b. A firefighter under Government Code 3106.003; or

c. An emergency medical first responder under Government Code 3106.004.

A child who is eligible for enrollment for free prekindergarten at the age of three and enrolls in prekindergarten class at the age of three remains eligible for enrollment in a prekindergarten class for the following school year.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

Education Code 29.153(a)-(b), (e-1), (f)

Parent Election

Subject to a district's decision to convene a retention committee [see EIE], a parent or guardian may elect for a student to enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under the eligibility described above and the student has not yet enrolled in kindergarten, or to repeat prekindergarten. *Education Code 28.02124(a)(1)-(2)*

Notice

A district shall develop a system to notify the population in the district with children who are eligible for enrollment in a free prekindergarten program of the availability of the program. The system must include public notices issued in English and Spanish. *Education Code 29.153(e)*

Half-Day or Full-Day

A prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.

Transportation

A district is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

Education Code 29.153(c)

High-Quality Prekindergarten Required

A prekindergarten class for children who are least four years of age must comply with the program standards required for high-quality prekindergarten programs under Education Code Chapter 29, Subchapter E-1. [See High-Quality Prekindergarten Program, below]

Exemption

The commissioner of education shall exempt a district from the application of all or any part of Education Code Chapter 29, Subchapter E-1 for a prekindergarten class for children who are at least four years of age, if the commissioner determines that:

1. The district would be required to construct classroom facilities in order to provide prekindergarten classes; or

2. Implementing any part of this section would result in fewer eligible children being enrolled in a prekindergarten class under this section.

A district may not receive an exemption unless the district has solicited proposals for partnerships with public or private entities regarding prekindergarten classes required under this section in accordance with guidance provided by the Texas Education Agency (TEA) and considered submitted proposals at a public meeting. A decision of the board regarding a partnership described by this provision is final.

An exemption may not be granted for a period longer than three school years and may be renewed only once.

Education Code 29.153(c-1)-(d-2)

Constructing, Repurposing, or Leasing a Facility

Before a district may construct, repurpose, or lease a classroom facility, or issue bonds for the construction or repurposing of a classroom facility, to provide the prekindergarten classes required under Education Code 29.153, the district must solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who:

1. Are a Texas Rising Star Program provider with a three-star certification or higher;
2. Are nationally accredited;
3. Are a Head Start program provider;
4. Are a Texas School Ready! participant; or
5. Meet the requirements under Education Code 29.1532.

Education Code 29.153(g)

Tuition-Supported or District-Financed

A district may offer on a tuition basis or use district funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten who are under four years of age; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

A district may not adopt a tuition rate that is higher than necessary to cover the added costs of the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c) (PEIMS data for prekindergarten programs).

A district must submit its proposed tuition rate to the commissioner for approval.

Education Code 29.1531

Program Design

A district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills. *Education Code 29.1532(a)*

Shared Site

Before establishing a new prekindergarten program, a district shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site. *Education Code 29.1533*

Prekindergarten Licensing Standards

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042 and the class size requirements for prekindergarten classes imposed under Education Code 25.112(a) [see EEB]. *Education Code 29.1532(b)*

Daily Physical Activity

A district shall require students in full-day prekindergarten to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

To the extent practicable, a district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l)

High-Quality Prekindergarten Program

A district providing a prekindergarten program must provide high-quality educational services established under Education Code Chapter 29, Subchapter E-1, to qualifying students.

Eligibility

A student is qualified to participate in a high-quality prekindergarten program if the student is four years of age on September 1 of the year the student begins the program and meets the eligibility requirements for tuition-free prekindergarten [see above].

19 TAC 102.1003(a)

A district shall select and implement a curriculum for a prekindergarten program that:

1. Includes the prekindergarten guidelines established by TEA;
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

Education Code 29.164, .167(a)

A school district shall implement a curriculum for a high-quality prekindergarten program that addresses the Texas Prekindergarten Guidelines in the domains listed in 19 Administrative Code 102.1003(b).

The district shall measure student progress and kindergarten preparation in accordance with 19 Administrative Code 102.1003(c). *19 TAC 102.1003*

Teacher Requirements

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualifications:

1. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA;
2. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
3. At least eight years' experience of teaching in a nationally accredited child-care program or a Texas Rising Star Program;
4. An associate or baccalaureate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;

5. Documented completion of the Texas School Ready Training Program (TSR Comprehensive); or

6. Be employed as a prekindergarten teacher in a district that has met the requirements of 19 Administrative Code 102.1003(d)(6).

A district may allow a teacher employed by the district to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

A district or an entity with which the district contracts to provide a prekindergarten program must attempt to maintain an average ratio in any prekindergarten program class of not less than one qualified teacher or teacher's aide for each 11 students.

19 TAC 102.1003(d), (h); Education Code 29.167(b)-(d)

Supervisor Requirements

Each teacher in a high-quality prekindergarten program class provided by an entity with which a district contracts to provide a prekindergarten program must be supervised by a person who meets the teacher requirements above and must have one of the following additional qualifications:

1. At least two years' experience of teaching in a nationally accredited child-care program or a Texas Rising Star Program and:

    a. A CDA credential or another early childhood education credential approved by TEA; or

    b. A certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;

2. An associate or baccalaureate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;

3. At least eight years' experience teaching in a nationally accredited child care program or a Texas Rising Star Program; or

4. Be employed as a prekindergarten teacher in a partnership program that meets the requirements of 19 Administrative Code 102.1003(e)(4).

A teacher of a bilingual or English as a second language (ESL) program class provided by an entity with which a district contracts to provide a prekindergarten program must be appropriately certified for the grade and content and with the appropriate supplemental certification (either bilingual or ESL).

A prekindergarten partnership supervisor:

1. Shall meet the requirements under 19 Administrative Code 102.1003(d);
2. May supervise multiple prekindergarten classrooms; and
3. Shall ensure programmatic compliance and support classroom instruction, the developmental needs of students, and continuous quality improvement, including professional development.

19 TAC 102.1003(e)-(g); Education Code 29.167(b-1)-(b-2)

Family Engagement Plan

A district shall develop, implement, and make available on the district or campus website by November 1 of each school year, a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. An effective family engagement plan creates a foundation for the collaboration of mutual partners, embraces the individuality and uniqueness of families, and promotes a culture of learning that is child centered, age appropriate, and family driven.

The family engagement plan shall include a primary point of contact and contact information.

The family engagement plan shall meet the requirements of 19 Administrative Code 102.1003(e)(2).

19 TAC 102.1003(h); Education Code 29.168(a)

Report and Evaluation

In a format prescribed by TEA, a district shall report information in compliance with 19 Administrative Code 102.1003(i).

A district shall:

1. Select and implement appropriate methods for evaluating the district's high-quality prekindergarten program by using data from a student progress monitoring instrument from the commissioner's list of approved prekindergarten instruments;
2. Make data from the results of program evaluations available to parents; and
3. Plan for data-driven program improvements annually by using information from the district's program evaluation to ensure

the district's prekindergarten program is meeting all high-quality prekindergarten indicators.

A district may administer diagnostic assessments to students in a program class to evaluate student progress but may not administer a state standardized assessment instrument.

An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

19 TAC 102.1003(j), (l); Education Code 29.169

Eligible Private Providers

A district that offers a high-quality prekindergarten program may enter into a contract with an eligible private provider to provide services or equipment for the program.

To be eligible to contract with a district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. A private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license during the 24-month period preceding the date of a contract with a district. The private provider must also:

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;
4. Have an existing partnership with a district to provide a prekindergarten program not provided under Subchapter E-1; or
5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider under Education Code 29.171 is subject to the requirements of Education Code Chapter 29, Subchapter E-1 and the class size requirement for prekindergarten classes imposed by Education Code 25.112(a) [see EEB].

Education Code 29.171

Prekindergarten Expansion Grant

A district may use funds from grants administered by the commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program.

A district may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs.

A district may use funds granted under this program in contracting with another entity, including a private entity.

Education Code 29.155(a), (b), (i)

Ready to Read Grant

A district that operates a prekindergarten program is eligible to apply for a Ready to Read grant if at least 75 percent of the children enrolled in the program are low-income students, as determined by commissioner rule.

Grants shall be used to provide scientific, research-based pre-reading instruction for the purpose of directly improving pre-reading skills and for identifying cost-effective models for pre-reading intervention. Grants funds shall be used for:

1. Professional staff development in pre-reading instruction;
2. Pre-reading curriculum and materials;
3. Pre-reading skills assessment materials; and
4. Employment of pre-reading instructors.

Education Code 29.157(b), (c)

Statewide Information Referral Network

A district shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information referral network. A district shall provide the information in a form determined by the executive commissioner of the Texas Health and Human Services Commission. *Gov't Code 531.0312*

"Child-care and education services" includes child-care and education services provided by a district through a prekindergarten or after-school program. *Gov't Code 531.03131(a)*

Staff of the Texas Information and Referral Network shall send an electronic mail message to each appropriate entity containing the name of and contact information for each applicant and a description of the services for which the applicant is applying.

On receipt of such an electronic mail message, a district shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services. On certifying eligibility, a district shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

A district shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

Gov't Code 531.0312(c)-(e)

Notice to Parents

Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of:

1. Programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;
2. Career and technology education programs or other work-based education programs in the district, including any internship, externship, or apprenticeship programs or a P-TECH (Pathways in Technology Early College High School) program;
3. Subsidies based on financial need available for fees paid to take college advanced placement tests or international baccalaureate examinations under Education Code 28.054; and
4. Funding for enrollment in dual credit courses under the FAST (Financial Aid for Swift Transfer) program [see below].

Districts must also notify parents of the qualifications for enrolling in programs described by items 1, 2, and 4 above.

The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's internet website.

Education Code 28.010

Note: For information on dual credit courses available through the Texas Virtual School Network[1] (TXVSN), see EHDE.

College Credit Program

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to the Texas Education Agency (TEA):

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and

2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (THECB); and

2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;

2. A career and technical education course; or

3. A foreign language course.

The requirements above do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

A district is not required to pay a student’s tuition or other associated costs for taking a course under this section.

College-Level Courses

A board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;

2. Middle States Association of Colleges and Schools;

3. New England Association of Colleges and Schools;

4. North Central Association of Colleges and Schools;

5. Western Association of Colleges and Schools; or

6. Northwest Association of Colleges and Schools.

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by a district. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

19 TAC 74.25

Dual Credit Programs

Dual credit includes a course for which a high school student may earn credit only at an institution of higher education (previously referred to as a dual enrollment course) if the course meets the requirements of this provision.

Eligible Courses

“Dual credit course” or “dual enrollment course” means a course that meets the following requirements:

1. The course is offered pursuant to an agreement under 19 Administrative Code 4.84, see below.

2. A course for which the student may earn one or more of the following types of credit:

   a. Joint high school and junior college credit under Education Code 130.008, or

   b. Another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:

      (1) A career and technical education course as defined by 19 Administrative Code 4.83(3) that satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;

      (2) A foreign language requirement at an institution of higher education;

      (3) A requirement in the core curriculum, as that term is defined by Education Code 61.821, at an institution of higher education; or

(4) A requirement in a field of study curriculum developed by the Coordinating Board under Education Code 61.823.

A student may earn a single grade toward both the college course and the high school credit or may earn two separate grades where the high school grade only reflects a student's mastery of secondary content.

Each dual credit course must meet the requirements of Chapter 4, Subchapter D.

19 TAC 4.83(10)

Partnership Agreements with Public Colleges

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

Community College Jurisdiction

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008.

A course offered for joint high school and junior college credit must be:

1. In the core curriculum of the public junior college;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a course offered for joint high school and junior college credit to a student as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 130.008(a-1), (a-2), (d)

Student Eligibility

A high school student is eligible to enroll in dual credit courses if the student:

1. Is not a degree-seeking student as defined in 19 Administrative Code 4.83(10);
2. Demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in 19 Administrative Code 4.54;

3. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative on relevant section(s) of an assessment instrument; or

4. Meets the eligibility requirements for a Texas First Diploma under 19 Administrative Code 21.52 (relating to Eligibility for Texas First Diploma).

An institution may impose additional requirements for enrollment in specific dual credit courses that do not conflict with 19 Administrative Code, Chapter 4, Subchapter D.

An institution is not required under these provisions to offer dual credit courses for high school students.

19 TAC 4.85(b)

Transcript

An institution or high school shall immediately transcript the credit earned by a student upon a student's completion of the performance required in the course. *19 TAC 4.85(h)*

Faculty Selection, Supervision, and Evaluation

An institution shall apply the standards for selection, supervision, and evaluation for instructors of dual credit courses as required by the institution's accreditor. A high school teacher may only teach a high school course offered through a dual credit agreement if the teacher is approved by the institution offering the dual credit course. *19 TAC 4.85(e)*

Qualified Instructor

A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;

2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or

3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:

   a. A degree described above;

   b. A baccalaureate degree in the discipline that is the subject of the course; or

   c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the THECB.

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the district with which the junior college entered into an agreement to offer the course.

Education Code 130.008(g), (h)

Attendance Accounting

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(g)* [See FEB]

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-

time student in average daily attendance. *Education Code 48.005(h)*

Dual Credit Agreement

For any dual credit partnership between a district and an institution, an agreement must be approved by the governing boards or designated authorities (e.g., superintendent) of both the public district and the institution prior to the offering of such courses.

Any agreement entered into or renewed between an institution and a district, including a memorandum of understanding or articulation agreement, shall include the following elements.

Any dual credit agreement must also address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcripting of credit;
9. Funding, including the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees, instructional materials, or textbooks for students participating in the program, including for students eligible to take dual credit courses at no cost to the student under the FAST program [see below];
10. All requirements for joint implementation of the FAST program, including ensuring the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course, for eligible public schools and students participating in the FAST program;
11. Defined sequences of courses that apply to academic or career and technical education program requirements at the institution or industry-recognized credentials, where applicable;
12. Specific program goals aligned with the statewide goals developed under Education Code 28.009(b-1), 130A.004, and 130A.101(c)(3);

13. Coordinated advising strategies and terminology related to dual credit and college readiness, including strategies to assist students in selecting courses that will satisfy applicable high school and college requirements for the student's intended program;

14. Provision for the alignment of endorsements described in EIF, offered by the district and dual credit courses offered under the agreement that apply toward those endorsements with postsecondary pathways and credentials at the institution and industry-recognized credentials;

15. Identification of tools, including online resources developed by TEA, the Coordinating Board, or the Texas Workforce Commission, to assist counselors, students, and families in selecting endorsements offered by the district and college courses offered by the institution under the agreement;

16. A procedure for establishing the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method of identifying the number of high school and college credits that may be earned for each course completed through the program;

17. A description of the academic supports and, if applicable, other support that will be provided to students participating in the program (e.g., transportation to and from a college campus);

18. The respective roles and responsibilities of the institution of higher education and the district in providing the program and ensuring the quality of instruction and instructional rigor of the program;

19. A requirement that the district and the institution consider the use of free or low-cost open educational resources in courses offered under the program; and

20. Designation of at least one employee of the district or private school, or the institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course.

19 TAC 4.84(a)-(b)

Website Posting of Agreement

Each agreement must be posted each year on the institution of higher education's and the district's respective internet websites. *19 TAC 4.84(c)*

FAST Program

Eligibility

A student is eligible to enroll at no cost in a dual credit course under the Financial Aid for Swift Transfer (FAST) program if the student is enrolled in and eligible for Foundation School Program funding at a high school in a Texas school district and in a dual credit course at a participating institution of higher education that has entered into a dual credit agreement with the student's district as set out in 19 Administrative Code 4.84 and the student was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course as certified to the institution by the eligible student's district, or other means authorized by rule.

A district's notice to the institution regarding a student's status as educationally disadvantaged shall occur through the district's notice to TEA, unless otherwise provided by rule.

19 TAC 13.503(a)-(b)

To be considered educationally disadvantaged, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 United States Code 1751, et seq. A district may use the following approved methods for determining student eligibility for the FAST program:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility under this subsection;
2. Direct certification, where eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

A district with one or more campuses not participating in the NSLP may derive an eligible student count by an alternative method as determined by TEA.

19 TAC 102.1097

"Dual credit course" is defined by 19 Administrative Code 4.83.

District Determination

A district shall, on a high school student's enrollment in a dual credit course, determine whether the student meets the above criteria for the program and notify the institution of higher education that offers the dual credit course in which the student is enrolled of the district's determination.

A district may make the determination based on the district's records, TEA's records, or any other method authorized by commissioner or THECB rule. If the district bases the determination on a method other than TEA's records, the district shall report the method used and the data on which the method is based to TEA for purposes of verification.

Education Code 28.0095(a)(3), (c), (3)

For more information about the FAST Program, see 19 Administrative Code 102.1097.

Instructional Partnerships with Community College Districts

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit Only (see High School Credit-Only Courses, below).
2. Award of Dual Credit (see Dual Credit Programs, above).
3. Tech-Prep Programs (see Tech-Prep Programs, below).
4. Remedial or Developmental Instruction for High School Graduates (see Remedial Programs, below).
5. College Preparatory Courses for High School Students (see College Preparatory Courses, below)

19 TAC 9.143

Agreement

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcripting of credit.
8. Funding provisions.

19 TAC 9.144

High School Credit-Only Courses	A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125, .143(a)*
Tech-Prep Programs	A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. *19 TAC 9.143(c)*
Remedial Programs	A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college. Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (Assessment Instruments). High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (see below). The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit. *Education Code 130.090; 19 TAC 9.125, .143(d), .146*
College Preparatory Courses	College preparatory courses are locally developed through a memorandum of understanding created between school districts and community colleges. *19 TAC 9.147*
Certain Academies	A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University — Beaumont), the Texas Academy of Mathematics and Science (at

the University of Texas — Brownsville or University of North Texas — Denton), or the Texas Academy of International Studies (at Texas A&M University — Laredo). *Education Code 28.024*

Off-Campus Program Provided by an Institution of Higher Education

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031(a), (b), (e)

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

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[1] Texas Virtual School Network: https://www.txvsn.org

Award of Credit

The award of credit for a course affirms that a student has satisfactorily met state and local requirements. Any course for which credit is awarded must be provided according to 19 TAC 74.26(a)(1) and (a)(2) [see FDA]. *19 TAC 74.26(a)*

Early Award of Credit

A district may offer courses designated for grades 9-12 in earlier grade levels. A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9-12 and have been awarded state graduation credits. *19 TAC 74.26(b)*

Partial Award

In accordance with a district's local policy, a student who is able to successfully complete only half of a course can be awarded credit proportionately. *19 TAC 74.26(d)*

A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. *19 TAC 74.26(e)*

Attendance for Credit or Final Grade

Unless credit is awarded by the attendance committee or regained in accordance with a principal's plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. *Education Code 25.092*

Homeless or Substitute Care

A district shall adopt a local policy to ensure credit, including proportionate credit, has been awarded appropriately to a student who is homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district in accordance with 19 Administrative Code 74.26 (Award of Credit).

A district must ensure that student records or transcripts provided by the previous district or charter school are evaluated promptly and are complete, accurate, and up to date.

The receiving district must develop, maintain, and regularly update local records and documentation, including transcripts if applicable, for a student who is homeless or in substitute care.

A district must ensure that the records or transcripts of a student who is homeless or in substitute care and transferring from out of state, out of country, or a Texas nonpublic school are evaluated and the award of credit is determined in a timely manner, as required by 19 Administrative Code 74.26(a)(2). [See FDA]

A district must award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. Districts must evaluate the student record upon a student's enrollment and ensure that proportionate credit has been awarded appropriately.

If a district determines that there are courses in which a student was enrolled but for which the student has not earned credit, the district may use a variety of methods to determine whether the student may be eligible for full or proportionate credit for coursework completed. The award of credit must be based on demonstrated proficiency in all state and local requirements for a course in accordance with 19 Administrative Code 74.26.

A district must provide opportunities for a student who is homeless or in substitute care who enrolls in the district after the start of the school year to be administered credit by examination at any point during the school year, as required by 19 Administrative Code 74.24 (Credit by Examination) [see EHDB and EHDC].

Districts must:

1. Develop processes for students who have credit deficits or incomplete coursework that would impede on-time promotion or graduation to earn credit and implement appropriate academic interventions to address any credit deficiencies identified;

2. Develop and administer a personal graduation plan in accordance with Education Code 28.0212 (see EIF) for each student in junior high or middle school who 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, or does not perform satisfactorily on a state assessment instrument;

3. Review personal graduation plan options with each student entering grade 9 and with that student's parent or guardian as required by Education Code 28.02121 [see EIF]. Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student;

4. Ensure that school staff actively engage with the student and the student's parent or guardian, as applicable, to develop a plan to recover credits if the student has credit deficits or incomplete coursework that would impede on-time promotion or graduation; and

5. Comply with Education Code 28.025(i) [see EIF], concerning the award of diplomas for students who are homeless or in substitute care who are in grade 11 or 12.

19 TAC 89.1607

[For information on transition assistance for students who are homeless or in substitute care, including enrollment and placement in education programs and courses, see FFC.]

Graduation Requirements

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

Academic Achievement Record

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)-(d)

Transcript Seals

Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

Endorsement

Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).

Performance Acknowledgment	Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).
Distinguished Level of Achievement	Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).
Speech Requirements	Students who demonstrate proficiency in speech as specified in 19 Administrative Code 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record (transcript).
CPR	Students who complete the required instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR and the use of an AED instruction clearly indicated on the academic achievement record (transcript).
Proper Interaction with Peace Officers	Students who complete the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record (transcript). A district shall clearly indicate on the academic achievement record the year in which the instruction was provided to the student.
Languages Other Than English	Students who satisfy a language other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with 19 Administrative Code 74.12 shall have the credit clearly indicated on the academic achievement record (transcript).
FAFSA/TASFA Completion	A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.
Texas First Early High School Completion Program	A student who earns a high school diploma by satisfying the requirements of the Texas First Early High School Completion Program shall have completion of the program and the distinguished level of achievement clearly indicated on the academic achievement record. [See EIF]
	Education Code 28.025; 19 TAC 74.5(f)-(n), .11(b), .39(e)
Notation on Transcript or Diploma	A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete:

1. The recommended or advanced high school curriculum; or

2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.

The district must include this information on the student's transcript not later than the end of the student's junior year.

Education Code 56.308(b)(2)

Certificate of Coursework Completion

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. *19 TAC 74.5(o)* [See FMH for participation in the graduation ceremony.]

Student Advancement

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. [See EI]

In determining promotion, a district shall consider:

1. The recommendation of the student's teacher;
2. The student's grade in each subject or course;
3. The student's score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the district.

Education Code 28.021(a), (c)

Advancement Requirements

By the start of the school year, a district shall make public the requirements for student advancement under Education Code 28.021. *Education Code 28.021(d)*

Retention After Assessment

A district is not precluded from retaining, in accordance with state law or board policy, a student who performs satisfactorily on a state assessment. *Education Code 28.0211(g)*

Parental Option to Retain

A parent or guardian may elect for a student to:

1. Repeat prekindergarten;
2. Enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Education Code 29.153(b) [see EHBG] and the student has not yet enrolled in kindergarten;
3. Repeat kindergarten;
4. Enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or
5. For grades 1 through 8, repeat the grade in which the student was enrolled during the previous school year.

For courses taken for high school credit, a parent or guardian may elect for a student to repeat any course in which the student was enrolled during the previous school year. A parent or guardian may not elect for a student to repeat a course if the district determines the student has met all of the requirements for graduation.

A parent or guardian may make an election for a student in grades 1-8 or for a high school course, or both.

An election made by a parent or guardian shall be made in writing to a district.

Retention Committee

If a district disagrees with the election, the district must convene a retention committee and meet with the parent or guardian to discuss retention. The meeting shall be conducted in person unless an alternative means is agreeable to the parent or guardian. A student may not be retained for a grade or retake a course under this provision if the parent or guardian does not meet with the retention committee.

A retention committee shall be composed of:

1. The principal or the principal's designee;
2. The student's parent or guardian;
3. The teacher who taught the grade or course for which the parent wants the student retained or repeated; and
4. Additional teachers at the discretion of the principal, if the student will potentially repeat multiple courses.

A retention committee shall:

1. Discuss the merits of and concerns with advancement and retention; and
2. Review and consider the student's grade in each subject or course, the results of any formative or summative assessments administered to the student, and any other available academic information to determine the student's academic readiness for the next grade or a given course.

If established, after the parent or guardian has participated in a retention committee meeting, the parent or guardian shall decide whether the student should be retained or retake a grade or course. The district must abide by the decision of the parent or guardian.

Passing Grade

A student who receives a passing grade or who earns credit for a high school course shall retain a district’s original assignment of a grade or award of credit when a student is retained under this section, unless the district adopts a policy to a different effect.

Retention Considerations

Except as provided by this provision or other law, retention of a student pursuant to a parent's or guardian's election under this provision shall be considered the same as retention of a student by a district.

Transfer of Rights

The rights of a parent or guardian under this provision transfer to a student if the student is 18 years of age or older or has had the disabilities of a minor removed, unless the student is under a form of guardianship imposed by law or court order that continues after the student turns 18 years of age.

Education Code 28.02124

Students with Dyslexia

In measuring the academic achievement or proficiency of a student who has dyslexia, the student's potential for achievement or proficiency in the area must be considered. *Education Code 28.021(b)* [See policies at EHB, EKB, and FB]

Optional Extended-Year Program

An optional extended year program may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional days, which may include intercessions for year-round programs. *19 TAC 105.1001(b)*

A student is eligible for services in accordance with Education Code 29.082(a)(1)-(2). A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services. *19 TAC 105.1001(c); Education Code 29.082(a)(1)-(2)*

A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the school counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or school counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the district shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

If a district provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Education Code 29.082(e)-(f) [See EHBC]

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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), except as provided below.

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;

2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or

3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district to comply with the commissioner’s rules.

A school counselor may not indicate that a student has not complied with this section if the district fails to provide the required form

to the student or the student's parent or other person standing in parental relation to the student.

Education Code 28.0256; 19 TAC 74.11(b)

Opt-Out Form

The board shall adopt the standard opt-out form provided by the Texas Education Agency (TEA).

The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the district. A district is responsible for translations not provided by TEA.

The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.

19 TAC 74.1023(c)

Notification

A district shall provide students with the notifications regarding the financial aid application requirement, in accordance with 19 Administrative Code 74.1023(d).

Proof of Submission

A district shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA.

For completion and submission of the FAFSA:

1. ApplyTexas Counselor Suite FAFSA data;
2. Notification from the U.S. Department of Education that demonstrates a student has completed and submitted a FAFSA; or
3. A local policy developed by a district for the method by which a student must provide proof that the student has completed a FAFSA.

A district shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.

19 TAC 74.1023(e)

Information Submission and Confidentiality

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) not later than December 1 of each school year for students awarded diplomas in the previous school year the number of students who completed and submitted a financial aid application and the number of students who submitted an exception.

A district shall maintain student financial aid application information securely and ensure compliance with federal law regarding the

confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information [see FL].

19 TAC 74.1023(f)-(g)

Individual Graduation Committee

A student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
    a. The student's parent or person standing in parental relation to the student;
    b. A designated advocate if the parent is unable to serve; or
    c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)-(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

Alternate Members

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)-(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

Additional Requirements to Graduate

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

Emergent Bilingual Students

For provisions related to an IGC and emergent bilingual students, see EKBA.

Special Education

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma

Beginning with students who would have graduated at the end of the 2019-20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Penal Code Title 5 or 6 or adjudicated as having engaged in conduct constituting a felony offense under Penal Code Title 5 or 6.

Education Code 28.0254

Diplomas for Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or

2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

Texas First Early High School Completion Program

A district shall allow a student to graduate and receive a high school diploma under the Texas First Early High School Completion Program if, using the standards established by TEA and the Texas Higher Education Coordinating Board and eligible institutions of higher education, the student demonstrates mastery of and early readiness for college in each of the subject areas described by the standards and in a language other than English, notwithstanding any other local or state requirements.

A student who earns a high school diploma through the program is considered to have earned a distinguished level of achievement.

Notice Upon Enrollment

On a student's initial enrollment in high school in a grade level below grade 12 in a district, the district shall provide to the student and the student's parent or guardian information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program.

Education Code 28.0253(e)-(g); 19 TAC 21.52(a)

The notice must include information about the requirement that a student must provide an official copy of their assessment results

and transcripts, as applicable, to receive credit for the assessments and credits required to receive early graduation from the program. *19 TAC 21.54*

Personal Graduation Plan

Junior High or Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

Students Receiving Special Education Services

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The

PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)*
[See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007-08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014-15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, in grade 8 or higher, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (d)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts — 4 credits;
2. Mathematics — 3 credits;
3. Science — 3 credits;
4. Social Studies — 3 credits;
5. Languages other than English — 2 credits;
6. Physical Education — 1 credit;
7. Fine Arts — 1 credit; and
8. Elective courses — 5 credits.

19 TAC 74.12(a)-(b)

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110-117, 127, and 130 are followed.

19 TAC 74.13(a)-(d); Education Code 28.025

For more information on endorsements, including the requirements for specific endorsements, see 19 Administrative Code 74.13(e)-(g).

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(e)

Distinguished Level of Achievement

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(f)*

Algebra II Notification

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or

3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(j)-(k)

Dual Credit Courses

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(i)*

Core Curriculum College Courses

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and

3. Is entitled to receive a high school diploma.

19 TAC 74.11(o)

Languages Other Than English

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

Physical Education

The required credit may be selected from one full credit or a combination of two half credits from two different courses from the following courses:

1. Lifetime Fitness and Wellness Pursuits;
2. Lifetime Recreation and Outdoor Pursuits; and
3. Skill-Based Lifetime Activities.

Other Physical Education Activities

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that meets the requirement for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. Junior Reserve Officer Training Corps (JROTC); and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the required physical education courses may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Credit may not be earned more than once for the Lifetime Fitness and Wellness Pursuits course or the Skill-Based Lifetime Activities course. Credit may not be earned more than twice for the Lifetime Recreation and Outdoor Pursuits course.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies, or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

19 TAC 74.12(b)(6); Education Code 28.025(b-10)-(b-11)

Community-Based Fine Arts Programs

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

Performance Acknowledgments

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
    a. In a dual credit course;
    b. In bilingualism and biliteracy;
    c. On a College Board advanced placement test or international baccalaureate examination;

d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or

2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014-15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014-15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the 10th grade one or more times as determined by the school district.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009-10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

A student who entered grade 9 in the 2012-13 or 2013-14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012-13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D-F.

Education Code 28.025; 19 TAC 74.62, .72

Recommended High School Program

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*

Advanced / Distinguished Achievement High School Program

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

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.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007-08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)-(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspon-

dence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(g)* [See EHDB, EHDC, EHDE, and EI]

Graduation of Students Receiving Special Education Services

Modified Curriculum and Content

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110-117, 126-128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*

Employability and Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(i)*

Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(g)-(h)*

Students Entering Grade 9 in or After the 2014-15 School Year

A student entering grade 9 in the 2014-15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative

Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

   a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

   b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

   c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

   d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:

    a. The curriculum requirements identified by the SBOE for the foundation high school program; and

    b. The additional endorsement curriculum requirements prescribed by the SBOE; and

2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:

    a. Without modification of the curriculum; or

    b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)-(c-8), 19 TAC 89.1070(c)

Students Entering Grade 9 Before the 2014-15 School Year

A student receiving special education services who entered grade 9 before the 2014-15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

Graduation of Military Dependents

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During Senior Year

Should a military student transferring at the beginning or during the student’s senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for

graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the 10th-grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

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)*

Definitions

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the language proficiency assessment committee (LPAC). *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
    a. An asylee as defined by 45 C.F.R. 400.41; or
    b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and
3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063. [See EHBE]

Education Code 39.027(a-1); 19 TAC 101.1005(c)

"Inadequate schooling outside the United States" is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

English Language Proficiency Assessment

In kindergarten-grade 12, an emergent bilingual (EB) student, as defined as a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork, shall be administered state English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state requirements under Education Code, Chapter 39, Subchapter B, and federal requirements. *19 TAC 101.1003(a)*

Language Proficiency Assessment Committee

The LPAC shall select the appropriate assessment option for each EB student in grade 3 or higher. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by the Texas Education Agency (TEA).

Documentation

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005; and
3. In conjunction with the admission, review, and dismissal (ARD) committee [see EHBAB], the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c)

State Assessment

Grades 3-8

An EB student shall participate in the grades 3-8 assessments, with or without allowable testing accommodations, and, except as provided below, shall be administered the general form of the English-version state assessment.

Spanish-Version Assessment

An EB student in grades 3-5 may be administered the Spanish-version state assessment, with or without allowable testing accommodations, if the assessment in Spanish is the most appropriate measure of the student's academic progress.

Linguistically Accommodated Assessments

An EB student in grade 3 or higher who receives special education services based on the most significant cognitive disabilities may be administered an alternate assessment instrument based on alternative achievement standards, in accordance with Education Code 39.023(b) [see EKB], if the student meets the participation requirements.

19 TAC 101.1005(b)

Exemption for Asylee or Refugee

An unschooled asylee or refugee (as defined above) who meets the criteria at Spanish-Version Assessment and Linguistically Accommodated Assessments above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*

End-of-Course Assessments

An EB student shall participate in the end-of-course assessments, with or without allowable testing accommodations, as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An EB student shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

Exception

If an EB student is enrolled in an English I course or an English for Speakers of Other Languages (ESOL) I course has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Assessment, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then the student shall not be required to retake the applicable English I assessment each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

Individual Graduation Committees

An EB student who qualifies for the English I special exception in 19 Administrative Code 101.1007, above, may graduate without an individual graduation committee (IGC) if the student achieves satisfactory performance on the remaining end-of-course (EOC) assessments that the student is required to take.

The qualifying EB student becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying EB student does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

19 TAC 101.3022(e)(2)

Emergent Bilingual Students

A district may administer the assessment of academic skills in Spanish to a student who is not identified as an EB student but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(f)*

Limitations on Exemptions

First Year After Enrollment

An EB student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English

as determined by the assessment system developed to evaluate academic progress of an EB student. *Education Code 39.027(a)(1)*

Subsequent Years

An EB student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student's academic progress in a valid, reliable manner.

Minimum Days for Enrollment

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive calendar days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)-(2), (a-1), (a-2), (g); 19 TAC 101.1001

Special Education

Selecting Assessments

For each EB student who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The LPAC shall document the decisions and justifications in the student's permanent record file, and the ARD committee shall document the decisions and justifications in the student's individualized education program (IEP). Assessment decisions shall be made on an individual student basis and in accordance with administrative procedures established by TEA.*19 TAC 101.1005(a)*

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an EB student in grades 2-12 who receives special education services to participate in the general required English language proficiency assessment [see English Language Proficiency Assessment, above] for reasons associated with the student's particular disability. Students with the most significant cognitive disabilities who cannot participate in the

general English language proficiency assessment, even with allowable accommodations, and meet the participation requirements for the alternate English language proficiency assessment shall participate in the alternate English language proficiency assessment to meet federal requirements. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

In the case of an EB student who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*

Testing Accommodations

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*

Note: The following provisions address requirements for a charter partnership to receive the benefits of Education Code 11.174 and 48.252. For the general campus charter requirements applicable to partnership charters, see EL(LEGAL).

Contract Regarding Operation of District Campus

The board may contract with a partner to operate a campus. The partner may be an open-enrollment charter school or, on approval by the commissioner of education, an entity granted a charter by the district under Chapter 12, Subchapter C that is eligible to be awarded a charter under Education Code 12.101(a). The campus must be granted a charter under Chapter 12, Subchapter C. *Education Code 11.174(a), (d)*

A campus operated under a contract qualifies for an exemption from intervention as provided below and qualifies for funding as provided by Education Code 48.252 [see Funding for Certain Students, below].

The board may enter into a contract only if:

1. The charter of the open-enrollment charter school has not been previously revoked;
2. For the three school years preceding the school year of the proposed operation of the campus, the open-enrollment charter school has received:
    a. An overall performance rating of acceptable or higher; and
    b. A financial accountability rating indicating financial performance of satisfactory or higher; or
3. The entity considered for a district-authorized charter has not previously operated an open-enrollment charter school in which the charter expired or was revoked or surrendered.

Education Code 11.174(a)-(b)

Intervention Pause

For a campus under a contract that received an overall performance rating of unacceptable under Education Code Chapter 39, Subchapter C for the school year before operation under the contract began, the commissioner may not impose a sanction or take action against the campus under Education Code 39A for failure to satisfy academic performance standards during the first two school years of operation of a campus under the contract. [See AIA, AIC]

A campus is eligible for an exemption from applicable sanctions or actions if the campus and the partnership to operate the campus

meet all applicable requirements and the campus was operated under the partnership from the first to the last day of the school year of the campus. A school year must include, at a minimum, all minutes of operation and instructional time conducted on the campus, and all the days for which the instructional workforce of the campus that provides education services for students are employed.

The overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years.

Education Code 11.174(f); 19 TAC 97.1077

Applicability

A campus shall not qualify for an intervention pause unless during the school year prior to the operation of a partnership charter the campus received an unacceptable performance rating, except as provided by 19 Administrative Code 97.1077(e) (campus that operates a partnership charter for less than a year)*. 19 TAC 97.1062(b)*

The Texas Education Agency (TEA) will not withdraw or postpone issuing any orders or determinations required or authorized that arise due to the performance rating from the school year prior to the school year in which the campus qualifies for the intervention pause, and any order or determination will resume upon expiration of the intervention pause.

Any intervention or sanction not covered by the intervention pause 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.

TEA will not pursue interventions under Education Code 39A.101-39A.109 and 39A.111 for a campus eligible for an intervention pause if one of the school years eligible for an intervention pause results in an acceptable or higher overall rating.

If after the expiration of the intervention pause a campus receives an unacceptable rating, TEA will apply the requisite interventions that apply to the consecutive year that corresponds to the campus's actual number of consecutive years of unacceptable performance minus the number of intervention pause years and, if applicable, accounting for the modification under 19 Administrative Code 97.1062(c).

If a campus qualifies for an intervention pause for a school year after the conclusion of the school year in which an order is authorized under Education Code 39A.111, the intervention under Education Code 39A.111 will not pause.

A campus that receives an intervention pause will still receive an accountability rating for that school year.

Performance of students at a campus that receives an intervention pause shall be considered in the accountability rating of the district and the application of an intervention pause to a campus shall not pause or alter any intervention applicable to the district or other campuses.

Appeal

A determination under this section that arises from the application of Education Code 28.020 is final and may not be appealed.

19 TAC 97.1062(d), (f)-(m)

Additional Exemption

A campus that receives an exemption from a sanction or other action may receive another exemption while operating under a subsequent contract only if the campus receives approval for the exemption from the commissioner. *Education Code 11.174(g)*

Funding for Certain Students

A district that enters into a contract is entitled to receive for each student in average daily attendance at the campus an amount equivalent to the difference, if the difference results in increased funding, between the amount described by Education Code 12.106 and the amount to which the district would be entitled under this Education Code Chapter 48. This section applies only to a district that does not appoint a majority of the governing body of the charter holder. *Education Code 48.252*

Consultation with Campus Personnel

Before entering into a contract, the district must consult with campus personnel regarding the provisions to be included in the contract between the district and the open-enrollment charter school. All rights and protections afforded by current employment contracts or agreements may not be affected by the contract entered into between a district and an open-enrollment charter school. *Education Code 11.174(c)*

Notice to Commissioner

A district proposing to enter into a contract with a campus or program charter shall notify the commissioner of the district's intent to enter into the contract according to commissioner rules. The commissioner shall notify the district whether the proposed contract is approved not later than the 60th day after the date the commissioner receives notice of the proposed contract and all information required by the commissioner to be submitted. If the commissioner fails to notify the district that the proposed contract has been approved or denied within the period prescribed by this subsection,

the proposed contract is considered approved. *Education Code 11.174(k)*

Enrollment Eligibility

The contract must include a provision addressing student eligibility for enrollment.

The contract must provide that any student residing in the attendance zone of the campus as the attendance zone existed before operation of the campus under the contract shall be admitted for enrollment at the campus. The contract must establish enrollment preference for students who do not reside in the attendance zone as follows:

1. Other students residing in the school district in which the campus is located; and
2. Students who reside outside the school district.

Education Code 11.174(h), (i)

Operating Partner

An operating partner means a state authorized open-enrollment charter school or an eligible entity as defined by Education Code 12.101(a). *19 TAC 97.1075(b)(1)*

Conferred Authority

The district must confer, at a minimum, the following enhanced authorities to the operating partner:

Staffing Authorities

1. The operating partner must have authority to employ and manage the campus chief operating officer, including the initial and final non-delegable authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment.
2. The operating partner must have authority over the employees of the operating partner, including initial and final non-delegable authority for the operating partner to employ and/or manage all of the operating partner's own administrators, educators, contractors, or other staff. Such authority includes the authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment and establish any other terms of employment.
3. The operating partner must have sole authority over the assignment of all district employees to the campus, including initial and final authority to approve the assignment of all district employees or contractors to the campus.
4. The operating partner must have initial, final, and sole authority to supervise, manage, evaluate, and rescind the assignment of any district employee or district contractor from the

campus. If the operating partner rescinds the assignment of any district employee or district contractor, the district must grant the request within 20 working days.

5. The operating partner must directly manage the campus principal or chief operating officer, including having the sole responsibility for evaluating the performance of the campus principal or chief operating officer.

19 TAC 97.1075(c)(1)

Other Authorities

The operating partner must have:

1. Initial, final, and sole authority to approve all curriculum decisions beyond the minimum requirements outlined in 19 Administrative Code 74.2 and 74.3 (required elementary and secondary curriculum), lesson plans, instructional strategies, and instructional materials as defined by law, to be used at that campus;

2. Initial, final, and sole authority over educational programs for specific, identified student groups, such as gifted and talented students, students of limited English proficiency, students at risk of dropping out of school, special education students, and other statutorily defined populations;

3. Initial, final, and sole authority to set the school calendar and daily schedule, which may differ from those in other district campuses;

4. Initial, final, and sole authority to select and determine the use of any and all assessments to be used on the campus that are not required by the state of Texas;

5. Initial, final, and sole authority to determine how the entire campus budget, including any and all federal and state grant funds due the campus, is allocated. The governing body of the operating partner shall approve the campus budget in a meeting held under the Texas Open Meetings Act [see BE]. Notwithstanding such budget authority, the operating partner's expenditures must comply with the applicable restrictions on the use of state and federal funds; and

6. Initial, final, and sole authority to implement and adjust the campus budget.

19 TAC 97.1075(c)(2)

Performance Contract

To contract to partner to operate under Education Code 11.174, the district's board must grant the operating partner a campus charter under Education Code Chapter 12, Subchapter C. The

charter must include performance expectations memorialized in a performance contract as required by law. The performance contract must include, at a minimum, the following:

1. A clear and unambiguous description of enhanced authorities as outlined above;

2. Academic performance expectations and goals, which shall include, but are not limited to;

    a. For campuses that are paired for accountability purposes, specific annual targets for improved student academic performance;

    b. For campuses issued an accountability rating under Education Code 39.054, a specific annual target for the overall campus academic rating; and

    c. Specific consequences in the event that the operating party does not meet the academic performance expectations and goals described in the performance contract;

3. Annual financial performance expectations and goals, which shall include, but are not limited to:

    a. The completion of an annual independent financial report, including an audit, of the operating partner organization, limited to matters directly related to the management or operation of the campus or campuses;

    b. Receipt of an unqualified audit opinion, in connection with the annual financial report required above; and

    c. Specific consequences in the event that the operating partner does not meet the annual financial performance expectations and goals described in the performance contract;

4. A description of the campus enrollment and expulsion policies that must comply with Education Code 11.174(i);

5. A contract term of up to 10 years as required by Education Code 12.0531, with a provision(s) specifying a requirement for a public hearing at least 30 days prior to any district action to terminate or extend if required by 19 Administrative Code 97.1075(d)(5);

6. A contract term stating that the campus is exempt from laws and rules to the fullest extent allowed by the Education Code, Chapter 12, Subchapter C, and is exempt from all district policies except for laws, rules, and policies that are specifically

identified as applicable to the campus in the performance contract;

7. A section that describes the funding structure of the partnership as required by 19 Administrative Code 97.1075(d)(7);

8. Service-level agreements that list the resources and services the operating partner intends to purchase from the district and the specific costs of such services by pupil, square foot, campus, or the percentage of the total district budget for the specific resource or service. The resources and services may include:

   a. Facility use and related matters;

   b. Transportation;

   c. Specific education program services, such as providing special education services; and

   d. Access to other resources and services as agreed between the parties;

9. A section that describes the educational plan or academic model that the operating partner will implement on the campus or campuses;

10. An assurance that the district has consulted with campus personnel regarding the provisions included in the performance contract and that the rights and protections afforded by current employment contracts or agreements shall not be affected by this contract as required by Education Code 11.174(c), unless the district is partnering with an entity described in Education Code 11.174(a)(2); and

11. A description of the specific and material consequence(s) in the instance that either the district or the operating partner breaches the contract.

19 TAC 97.1075(d); Education Code 12.0531

Eligible partnerships must notify TEA of amendments to performance contracts within 30 calendar days of the amendment of the contract. *19 TAC 97.1075(g)*

TEA Monitoring

The commissioner shall continue to evaluate and assign overall and domain performance ratings under Education Code 39.054 to the campus. In order to qualify for ongoing benefits subsequent to initial eligibility validation or approval, the eligible partnership campus must comply with all information requests or monitoring visits

deemed necessary by the TEA staff to monitor the ongoing eligibility of the partnership. *19 TAC 97.1075(h)-(i)*

Entity Granted a Charter by the District

Title 19 Administrative Code 97.1079 applies only to districts that intend to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2).

Definitions

Eligible Entity

"Eligible entity" means an institution of higher education, a nonprofit organization, or a governmental entity. For applicants seeking approval of an institution of higher education, which has been granted a charter in accordance with Education Code Chapter 12, Subchapter E, the commissioner will treat the institution of higher education as an open-enrollment charter.

Campus

"Campus" means an organizational unit operated by a district that is eligible to receive a campus performance rating in the state accountability system, including a rating of Not Rated or Not Rated: Data Integrity Issues. This definition includes a charter school campus.

Applicant

"Applicant" means a district seeking approval to receive benefits for an eligible entity to contract to partner to operate a campus.

Proposed Operating Partner

"Proposed operating partner" means an eligible entity seeking approval in coordination with a district to contract to partner to operate a campus.

19 TAC 97.1079(b)-(c), .1051(3); Education Code 12.101(a)

Eligibility Approval Process

TEA shall review application packages submitted under this provision. If TEA determines that an application package is not complete and/or the applicant does not meet the eligibility criteria, TEA shall notify the applicant and allow 10 business days for the applicant to submit any missing or explanatory documents.

Upon written notice to TEA, an applicant may withdraw an application package.

19 TAC 97.1079(e)(2)-(3)

Public Information

All parts of the district's eligibility approval request are releasable under the Texas Public Information Act [see GBA] and will be posted to the TEA website. Information described in 19 Administrative Code 97.1079(e)(4) must be excluded or redacted from an eligibility approval request. *19 TAC 97.1079(e)(4)*

Criteria for Approval

The commissioner shall consider the criteria described in 19 Administrative Code 97.1079(e)(9) when determining approval to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2). *19 TAC 97.1079(e)*

Threat Assessment

Definitions

"Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student's expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

"Team" means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

Education Code 37.115(a)

Threat Assessment and Safe and Supportive Schools Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs;
3. Require each team established under this section to report the required information regarding the team's activities to TEA [see Reporting to TEA, below];
4. Require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee; and

5. Provide for:

    a. A district employee who reports a potential threat to a team to elect for the employee's identity to be confidential and not subject to disclosure Government Code Chapter 552 (Public Information Act), except as necessary for the team, the district, or law enforcement to investigate the potential threat; and

    b. The district to maintain a record of the identity of a district employee who elects for the employee's identity to be confidential.

Membership

The superintendent shall ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a district, provided that each district campus is assigned a team.

Oversight Committee

The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties

Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:

    a. Referring a student for mental health assessment; and

    b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;

2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Parental Participation

Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student regarding the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to participate in the assessment, either in person or remotely, and to submit to the team information regarding the student.

After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

Consent for Mental Health-Care Service

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

Education Code 37.115(c)-(g)

Determination of Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

Education Code 37.115(h)-(j)

Recordkeeping

Materials and information provided to or produced by a team during a threat assessment of a student under this provision must be maintained in the student's school record until the student's 24th birthday. *Education Code 37.115(j-1)*

[For information regarding the transfer of threat assessment records between school districts, see FD and FDA.]

Reporting to TEA

A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and description of the type of threats reported to the team;
3. The outcome of each assessment made by the team, including:
    a. Any disciplinary action taken, including a change in school placement;
    b. Any action taken by law enforcement; or
    c. A referral to or change in counseling, mental health, special education, or other services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
    a. Citations issued for Class C misdemeanor offenses;
    b. Arrests;
    c. Incidents of uses of restraint;
    d. Changes in school placement, including placement in a JJAEP or DAEP;
    e. Referrals to or changes in counseling, mental health, special education, or other services;
    f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;
    g. Unexcused absences of 15 or more days during the school year; and

h. Referrals to juvenile court for truancy; and

5. The number and percentage of school personnel trained in:

   a. A best-practices program or research-based practice under Education Code 38.351 [see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;

   b. Mental health or psychological first aid for schools;

   c. Training relating to the safe and supportive school program; or

   d. Any other program relating to safety identified by the commissioner.

Education Code 37.115(k)

Policy and Program to Address Sexual Abuse, Trafficking, and Maltreatment

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 103.1401(b)(3)

Definitions

Child Abuse

"Abuse" includes the following acts or omissions by a person:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
2. Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
3. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
4. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

5. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Penal Code 21.02, indecency with a child under Penal Code 21.11, sexual assault under Penal Code 22.011, or aggravated sexual assault under Penal Code 22.021;

6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;

7. Compelling or encouraging the child to engage in sexual conduct as defined by Penal Code 43.01, compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Penal Code 20A.02(a)(7) or (8), solicitation of prostitution under Penal Code 43.021, or compelling prostitution under Penal Code 43.05(a)(2);

8. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Penal Code or pornographic;

9. The current use by a person of a controlled substance as defined by Health and Safety Code Chapter 481, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

10. Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Health and Safety Code Chapter 481;

11. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Penal Code 43.25;

12. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Penal Code 20A.02(a)(5), (6), (7), or (8), or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

13. Forcing or coercing a child to enter into a marriage.

Neglect

"Neglect" means an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that re-

sults in harm to the child or that creates an immediate danger to the child's physical health or safety.

Neglect includes:

1. The leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

2. The following acts or omissions by a person:

    a. Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child;

    b. Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

    c. The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

    d. Placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or

    e. Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse as defined above at items 5-9 committed against another child;

3. The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or

4. A negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment

plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

Neglect does not include:

1. The refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:
   a. The child has a severe emotional disturbance;
   b. The person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and
   c. The person has exhausted all reasonable means available to the person to obtain the mental health services described at item b, above;
2. Allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture; or
3. A decision by a person responsible for a child's care, custody, or welfare to:
   a. Obtain an opinion from more than one medical provider relating to the child's medical care;
   b. Transfer the child's medical care to a new medical provider; or
   c. Transfer the child to another health care facility.

Family Code 261.001(1), (4)

Other Maltreatment — This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a Child — The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

19 TAC 103.1401(a)

Duty to Report

Report by Any Person — Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

Report by Any Professional	Any professional who has reasonable cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child. A professional may not delegate to or rely on another person to make the report. A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers. *Family Code 261.101(b)*
Abuse of Persons with Disabilities	A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS). A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report. A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose. *Human Resources Code 48.051, .052, .054*
Adult Victims of Abuse	A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

Restrictions on Reporting

Psychotropic Drugs and Psychological Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The individual making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child;
3. The facts that caused the individual to believe the child has been abused or neglected and the source of the information;
4. The individual's name and telephone number;
5. The individual's:
    a. Home address; or
    b. If the individual is a professional as defined by Family Code 261.101(b) [see Report by Any Professional, above], the individual's business address and profession; and
6. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

Confidentiality of Report

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act) and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)-(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confiden-

tial and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

Abuse and Neglect Involving School Personnel and Those Responsible for Care

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 103.1401(b)(1)-(2)

“Person responsible for a child’s care, custody, or welfare” means a person who traditionally is responsible for a child’s care, custody, or welfare, including:

1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
2. A member of the child’s family or household as defined by Family Code Chapter 71;
3. A person with whom the child’s parent cohabits;
4. School personnel or a volunteer at the child’s school;
5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or
6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Human Resources Code Chapter 42.

Family Code 261.001(5)

Reporting Abuse, Neglect, or Exploitation in a JJAEP

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

Immunity from Liability

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

Criminal Offenses

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

SBEC Disciplinary Action

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the cir-

cumstances and in the manner required by Education Code 21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)-(f). *19 TAC 249.15(b)(4)*

Note: The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. See 40 Administrative Code Chapter 707, Subchapter B for more information regarding investigations of abuse or neglect in a school setting.

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 103.1401(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined

by the board, after learning of facts giving rise to the suspicion. *19 TAC 103.1401(b)(1)*

The policies must be consistent with the Family Code Chapter 261 and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:

    a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

    b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Oral reports made to DFPS are recorded;

5. Confidentiality provisions relating to a report of suspected child abuse or neglect, including the following:

    a. The requirement for the individual making the report to provide his or her name and telephone number;

    b. The requirement for the individual making the report to provide his or her home address or, if the individual making the report is a school employee, agent, or contractor, provide his or her business address and profession; and

    c. The limited circumstances under which the identity of the individual making a report may be disclosed;

6. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

7. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 103.1401(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and
3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 103.1401(b)(5)-(8)

Annual Distribution and Staff Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 103.1401(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS Texas Abuse Hotline website[1] for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Pro-

tective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 103.1401(e)-(f)

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[1] Texas Abuse Hotline website: https://www.txabusehotline.org/

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of DFPS at 800-252-5400 or the Texas Abuse Hotline website[1];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

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[1] Texas Abuse Hotline website: http://www.txabusehotline.org

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Note: The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

Dating Violence

Policy Requirements

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must include:

1. A definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021;
2. A clear statement that dating violence is not tolerated at school; and
3. Reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence.

A dating violence policy must also address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade 6 or higher, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Student Resources

To the extent possible, a district shall make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help. *Education Code 37.0831(c)*

Sexual Harassment

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. *Education Code 37.083* [See BQ]

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)*

	No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. *20 U.S.C. 1681 (Title IX)*
	A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45; 20 U.S.C. 1681* [See also FB regarding Title IX]
Designation of Title IX Coordinator	A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."
Parties Entitled to Notice	The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.
	34 C.F.R. 106.8(a)
Reporting	Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. *34 C.F.R. 106.8(a)*
Notification of Policy	A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both. *34 C.F.R. 106.2(d), .8(b)(1)*
Publication Requirements	A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if

any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2)

Note: To distinguish the process described below from the district's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of Title IX sexual harassment in an education program or activity and against a person in the United States as the district's "Title IX formal complaint process."

Adopting and Publishing Complaint Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)-(d)

Response to Sexual Harassment

Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. "Notice" as

used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

"Consent" is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual harassment" means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity; or

3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

Deliberate Indifference

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Education Program or Activity

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

Title IX Coordinator Response

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

Supportive Measures Required

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

Constitutional Restrictions

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

Response to a Formal Complaint

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

Emergency Removal

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)

Administrative Leave

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

Process for Title IX Formal Complaint

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for han-

dling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;

2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal res-

olution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;

5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;

8. Include the procedures and permissible bases for the complainant and respondent to appeal;

9. Describe the range of supportive measures available to complainants and respondents; and

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

Notice of Allegations

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:

   a. The identities of the parties involved in the incident, if known;

   b. The conduct allegedly constituting sexual harassment; and

   c. The date and location of the alleged incident, if known.

   The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

Dismissal of a Formal Complaint

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allega-

tions therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)-(4)

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, in-

cluding the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

7. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to

submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

Determination Regarding Responsibility

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is

filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

34 C.F.R. 106.45(b)(7)(i)-(ii)

Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Title IX Formal Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

Informal Resolution

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
    a. The allegations;
    b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
    c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Retaliation Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohib-

ited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)-(b)

Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

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UIL Rules and District Policies

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

Athletic Activities

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation — Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201-33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

Education Code 33.207(b), .208

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

Education Code 33.206

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

Safety Precautions

A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:

1. Each student participant is adequately hydrated;
2. Any prescribed asthma medication for a student participant is readily available to the student;
3. Emergency lanes providing access to the practice or competition area are open and clear; and
4. Heatstroke prevention materials are readily available.

If a student participating in a practice or competition becomes unconscious during the activity, the student may not:

1. Return to the activity during which the student became unconscious; or
2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

Education Code 33.205

Concussions

"Interscholastic athletic activity" includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL. *Education Code 38.152*

"Concussion" means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness. *Education Code 38.151(4)*

Concussion Oversight Team

The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight

team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

A district may include a licensed chiropractor or physical therapist as a member of the district concussion oversight team, provided that the person meets the training requirements.

Education Code 38.154

Training Requirements

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158. *Education Code 38.154(c), .158(f)*

A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. *Education Code 38.158(g)*

Return-to-Play Protocol

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

Required Annual Form

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

Removal from Play

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor or physical therapist; a school nurse; or the student's parent or guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

Return to Play

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to

practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;

2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;

3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and

4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:

    a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;

    b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;

    c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and

    d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play

protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

Education Code 38.157

Immunity

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;
2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

Education Code 38.159

Football Helmet Safety Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

Education Code 33.094(a)-(c)

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

Education Code 33.091(d)-(e)

Cardiac Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned

by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as establish by the health-care professional's Texas licensing act.

Immunity

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

Education Code 33.096

Safety of Official

A district that holds an extracurricular athletic activity or a UIL athletic competition on district property shall provide a peace officer, a school resource officer, an administrator, or security personnel to ensure the safety of a referee, judge, or other official of the activity or competition until the official departs district property if:

1. A participant or spectator of the activity or competition engages in, attempts to engage in, or threatens violent conduct against the official or otherwise disrupts the duties or free movement of the official; or
2. The district reasonably suspects that an incident described above may occur at the activity or competition.

Education Code 33.099

[For information regarding the suspension of an individual who causes bodily injury to an official, see Suspension for Certain Conduct Involving Extracurricular Officials and Spectator Suspension, below.]

Interscholastic Athletic Competition Based on Biological Sex	An interscholastic athletic team sponsored or authorized by a district may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's official birth certificate, as described below, or if the student's official birth certificate is unobtainable, another government record.
Exception	An interscholastic athletic team sponsored or authorized by a district may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.
Birth Certificate Statement	For purposes of this provision, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct any type of scrivener or clerical error in the student's biological sex.
	Education Code 33.0834
Water Activities	
Definitions	“Body of water” means an artificial or natural body of water, including a swimming pool, lake, or river, typically used for recreational swimming, bathing, or play. The term does not include a wading pool. “Child” means an individual younger than 12 years of age. “Organized water activity” means an activity an organization conducts in which a participant will enter or travel on a body of water as part of the activity. “Wading pool” means a pool, including a pool that contains a public interactive water feature and fountain as defined by department rule, with a maximum water depth of not more than 18 inches.
Parent Affirmation	An organization, including a school, that authorizes a child to engage in an organized water activity shall require the child’s parent or legal guardian to affirm in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a body of water.
Flotation Device Required	The organization shall provide to each child who is unable to swim or is at risk of injury or death when swimming or otherwise entering a body of water a properly fitted and fastened Type I, II, or III United States Coast Guard approved personal flotation device or a device the executive commissioner of Texas Health and Human Services determines is equivalent. The organization shall ensure

the child is wearing the personal flotation device and the device is properly fitted and fastened for the child.

The organization is not required to provide a child with a flotation device or ensure the child is wearing the device if the child is actively participating in swim instruction or a competition and the organization ensures each child participating in the instruction or a competition is closely supervised during the instruction or competition.

Failure to Comply

An organization that violates this provision or rules adopted under this provision is subject to disciplinary action.

Health and Safety Code 341.0646(a)-(e)

Rodeos

This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate.

"Rodeo" means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider;
2. Riding a bull;
3. Roping an animal, including roping as part of a team;
4. Wrestling a steer; and
5. Riding a horse in a pattern around preset barrels or other obstacles.

Educational Program

A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

Restriction on Participation

A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.

Protective Gear for Bull Riding

A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless

the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.

Health and Safety Code 768.001(6), .003; 25 TAC 104.2-.4

Eligibility

A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*

Military Dependents

The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B* [See FDD]

Attendance and Participation

The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least 10 times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE.

Education Code 33.081(a), .0811

SBOE Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

Public Performances

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

State-Approved Music Courses

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

19 TAC 76.1001(a)

Limits on Participation and Practice

During the School Week

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day

or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3-11.

19 TAC 76.1001(d); Education Code 33.081(a)

During the School Day

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.
3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. Regardless of the schedule type in place (traditional or nontraditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Students Receiving Outpatient Mental Health Services

A district may not adopt or enforce policies that restrict participation in UIL activities by a student who receives outpatient mental health services from a mental health facility and is enrolled in the district or otherwise receives public education services from a district based solely on the student's receipt of outpatient mental health services from a mental health facility or the student's absence during instructional time while receiving outpatient mental health services from a mental health facility.

This provision does not exempt a student to whom this section applies from any eligibility requirement for participation in UIL activi-

ties other than an eligibility requirement based solely on the criteria of receipt of outpatient mental health services from a mental health facility.

Education Code 33.0833(c)-(d)

Participation by Homeschooled Students

A public school that participates in an activity sponsored by UIL may provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

"Non-enrolled student" means a student who receives instruction as a homeschooled student as described by Education Code 29.916(a)(1) from a nonpublic school [see EK].

Relevant Policies

A non-enrolled student who seeks to participate or participates in a UIL activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

1. Registration for UIL activities;
2. Age eligibility;
3. Fees;
4. Insurance;
5. Transportation;
6. Physical condition;
7. Qualifications;
8. Responsibilities;
9. Event schedules;
10. Standards of behavior; and
11. Performance.

Residency Requirements

A non-enrolled student may only participate in a UIL activity for the school in the district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a UIL activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Education Code 25.001 [see FD].

Academic Requirements

The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating

to the student's participation in a UIL activity. As a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. A district shall accept assessment results administered or reported by a third party.

A non-enrolled student's demonstration of academic proficiency is sufficient for the school year in which the student achieves the required score and the subsequent school year.

After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

Previous Enrollment in Public School

A non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

Prohibitions

With respect to a non-enrolled student's education program, nothing in these provisions shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a UIL activity.

Subject only to eligibility requirements, the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a UIL activity. Subject only to eligibility requirements, for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

UIL Classification

When assigning league classification to a public school based on student enrollment, the UIL must use the same student enrollment

calculation formula for a school that allows a non-enrolled student to participate in a league activity as the formula used to determine the student enrollment of a school that does not allow a nonenrolled student to participate in the league activity.

Education Code 33.0832

UIL Allotment

For each nonenrolled student who participates in a UIL activity for a school in a district that allows participation of nonenrolled students, the district is entitled to an annual allotment of $1,500 per UIL activity in which the nonenrolled student participates. *Education Code 48.305*

Definitions

“Activity season” means the period established by a school or the UIL in which practices, rehearsals, and interschool competitions or contests take place.

“Nonenrolled student” means a student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child’s home. This may include a student who is designated as enrolled, not in membership.

“Participation” means the active involvement of a student in a minimum of 75 percent of a combined total of practices, rehearsals, or preparation activities and associated competitions and contests, including selection as an alternate, for a specific UIL activity.

“University Interscholastic League or UIL activity” means any official UIL activity identified in the UIL Constitution and Contest Rules, not including pilot activities.

UIL activities shall:

1. Be overseen by a school district-approved coach or sponsor;
2. Provide for a minimum of four weeks of coach- or sponsor-led practice, rehearsal, or preparation specific to the activity within the designated activity season; and
3. Provide opportunities for students to take part in formal, interschool competitions or contests in the associated activity during the designated activity season.

A district may still receive the allotment if a student began the activity season without injury or illness and later experienced an injury or prolonged illness that prevented participation.

For audit purposes, a district shall maintain documentation to support the requirements of this provision.

A district will be provided with estimated funding during a school year for nonenrolled students in accordance with 19 Administrative Code 105.1031(g).

19 TAC 105.1031

Suspension from Extracurricular Activities

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

Length of Suspension

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

Grade Evaluation Period

"Grade evaluation period" means:

1. The six-week grade reporting period; or
2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

Education Code 33.081(c)

School Week

The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses

The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

	Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation. *19 TAC 74.30*
Students with Disabilities	In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee. For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b). *Education Code 33.081(e)*
Practice or Rehearsal	A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance. This provision does not apply to a student prohibited from participation for certain conduct involving extracurricular officials [see below]. *Education Code 33.081(f)*
Reinstatement	Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*
Suspension for Certain Conduct Involving Extracurricular Officials	A student who is enrolled in a district in Texas or who participates in a UIL competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

Reinstatement After Conduct

A student prohibited from participation may submit to the UIL a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the UIL. The request must be submitted at least one year after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in ninth grade or above at the time of the conduct.

Education Code 33.081(e-1)-(e-2)

Spectator Suspension

A district shall prohibit a spectator of an extracurricular athletic activity or competition, including a parent or guardian of a student participant, from attending any future extracurricular athletic activity or competition sponsored or sanctioned by the district or the UIL if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular athletic activity or competition in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular athletic activity or competition.

A district may establish an appeals process by which a person may appeal the prohibition to the district and the district may determine the facts associated with the conduct for which the district imposed the prohibition.

A prohibition imposed under this provision must be for not less than one year after the date on which the prohibition is imposed but may not exceed five years from the date on which the prohibition is imposed.

Education Code 33.081(f-1)-(f-3)

Parental Notice and Consent

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)*

Anonymous Evaluations

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

Videotaping and Recording	A district employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*
Discriminatory Club	An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex. "Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members. *Education Code 33.082*
Special Olympics Recognition	If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*
Student Election Clerks	Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*
Before-School and After-School Programs	The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours. A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district. A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract

with a child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

Education Code 33.9031

First Amendment

A district shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition a board for a redress of grievances. *U.S. Const. Amend. I*

Freedom of Speech

Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. At school and school events, students have First Amendment rights, applied in light of the special characteristics of the school environment.

Student expression that is protected by the First Amendment may not be prohibited absent a showing that the expression will materially and substantially interfere with the operation of the school or the rights of others.

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
[See also FNCI]

The special characteristics of the school environment and the governmental interest in stopping student drug abuse allow a district to restrict student expression that it reasonably regards as promoting illegal drug use. *Morse v. Frederick, 551 U.S. 393 (2007)*

When a student threatens violence against a student body, such specific threatening speech to a school or its population is unprotected by the First Amendment: school officials may punish such speech without first collecting evidence sufficient to prove a reasonable belief that disruption would occur as a result of the speech. *Ponce v. Socorro Indep. Sch. Dist., 508 F.3d 765 (5th Cir. 2007)*

The inculcation of fundamental values necessary to the maintenance of a democratic society is part of the work of the school. The First Amendment does not prevent school officials from determining that particular student expression is vulgar and lewd, and therefore contrary to the school's basic educational mission. *Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675 (1986)*

Public schools may have a special interest in regulating some off-campus student speech, however, the interest must be sufficient to overcome the student's interest in free expression. Circumstances that may implicate a school's regulatory interests include serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices. *Mahanoy Area School District v. B.L, 141 S.Ct. 2038 (2021)*

Prayer at School Activities

A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901*

Nothing in the Constitution as interpreted by the U.S. Supreme Court prohibits any public school student from voluntarily praying at any time before, during, or after the school day. But the religious liberty protected by the Constitution is abridged when a district affirmatively sponsors the particular religious practice of prayer.

A district shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events.

Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000) (addressing school-sponsored, student-led prayer delivered over the public address system at high school football games) [For invocations and benedictions at commencement, see FMH.]

Federal Funds

As a condition of receiving federal funds under the Elementary and Secondary Education Act (ESEA), a district shall certify in writing to the Texas Education Agency (TEA) that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as detailed in the guidance from the United States secretary of education regarding constitutionally protected prayer. The certification shall be provided by October 1 of each year.

By November 1 of each year, TEA shall report to the secretary a list of districts that have not filed the certification or against which complaints have been made to TEA that the district is not in compliance with this section. The secretary may issue and secure compliance with rules or orders with respect to a district that fails to certify, or is found to have certified in bad faith, that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools.

20 U.S.C. 7904

Expression of Religious Viewpoints

A district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious view-

point expressed by the student on an otherwise permissible subject. *Education Code 25.151*

Policies

A district shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools at Education Code 25.156, the district is in compliance with the provisions of Education Code Chapter 25, Subchapter E covered by the model policy.

A district shall adopt a policy that includes the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. The policy regarding the limited public forum must also require a district to:

1. Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;
3. Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
4. State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the district.

Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

Disclaimer

The disclaimer required by item 4, above, must be provided at all graduation ceremonies. A district must continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district's nonsponsorship of the student's speech.

Education Code 25.152, .155

Class Assignments

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by a district. Students may not be

penalized or rewarded on account of the religious content of their work. *Education Code 25.153*

[For information on the study of religion, see EMI. For information on student religious groups and activities, see FNAB.]

Patriotic Observances

A district may officially encourage students to express love for the United States by reciting historical documents or singing official anthems that contain religious references; such patriotic or ceremonial occasions do not constitute a school-sponsored religious exercise. *Engel v. Vitale, 370 U.S. 421 (1962)*

A district shall not, however, compel students to participate in patriotic observances. *West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943) (holding unconstitutional a requirement that students salute the United States flag and recite the Pledge of Allegiance)*

[See EC for more information regarding the pledge of allegiance.]

Winter Celebrations

A district may educate students about the history of traditional winter celebrations, and allow students and district staff to offer traditional greetings regarding the celebrations, including:

1. "Merry Christmas";
2. "Happy Hanukkah"; and
3. "Happy holidays."

A district may display on school property scenes or symbols associated with traditional winter celebrations, including a menorah or a Christmas image such as a nativity scene or Christmas tree, if the display includes a scene or symbol of more than one religion or one religion and at least one secular scene or symbol.

A display relating to a traditional winter celebration may not include a message that encourages adherence to a particular religious belief.

Education Code 29.920

Students with Disabilities Under Section 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

Note: The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

Students Receiving Special Education Services

ARD Committee Required

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(a)-(b)*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP Placement Not Solely for Educational Purposes

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)-(d)*

Removal for 10 Days or Less

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, to the extent those alternatives are applied to children without disabilities. *20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)*

Services During Removal	A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. *34 C.F.R. 300.530(d)*
Subsequent Removals of 10 Days or Less	School personnel may remove the student for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). *34 C.F.R. 300.530(b)(1)*
Services During Removal	After a student has been removed from his or her current placement for 10 school days in the same school year, during any subsequent removal of 10 consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). *20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)*
Notice of Procedural Safeguards	Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. *20 U.S.C. 1415(k)(1)(H)*
Removals That Are a Change in Placement	Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review [see Manifestation Determination, below]. *Education Code 37.004(b)*
Behavior Assessment and Intervention	If a district takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under federal law, the district shall: 1. Not later than the 10th school day after the change in placement: a. Seek consent from the student's parent or person standing in parental relation to the student to conduct a functional behavioral assessment of the student, if a functional behavioral assessment has never been conducted

on the student or the student's most recent functional behavioral assessment is more than one year old; and

b. Review any previously conducted functional behavioral assessment of the student and any behavior improvement plan or behavioral intervention plan developed for the student based on that assessment; and

2. As necessary, develop a behavior improvement plan or behavioral intervention plan for the student if the student does not have a plan or, if the student has a behavior improvement plan or behavioral intervention plan, revise the student's plan.

Education Code 37.004(b-1)

Change in Placement

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than 10 consecutive school days; or

2. Subjected to a series of removals that constitute a pattern because:

a. The series of removals total more than 10 school days in a school year;

b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and

c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

34 C.F.R. 300.536

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. *20 U.S.C. 1415(k)(1)(A)*

Manifestation Determination

Within 10 school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any

teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or

2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

If the district, the parent, and relevant members of the ARD committee determine the conduct was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.

20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

Expulsion

In a county with a juvenile justice alternative education program (JJAEP) [see FODA], a district must invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss the discretionary expulsion under Education Code 37.007 of a student with a disability. The district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. *19 TAC 89.1052*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)-(2)

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

19 TAC 89.1052

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or

2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)

Special Circumstances

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the Texas Education Agency (TEA) or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)

Appeals

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151* [See EHBAE]

Placement During Appeals

When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever oc-

curs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533*

Reporting Crimes

Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). *20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535* [See FL]

Students Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. *20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)*

District Knowledge

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)

Exception

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)

Behavior Management Techniques

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

[For restrictions on aversive techniques, see FO.]

Rules on Restraint and Seclusion

The commissioner by rule shall adopt procedures for the use of restraint and time-out by a district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services. The procedures must be consistent with Education Code 37.0021(d). *Education Code 37.0021(d)*

School Peace Officers

This provision and any rules or procedures adopted under this provision apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a district; or
2. Provides, as a school resource officer, a regular police presence on a district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h); 19 TAC 89.1053(l)

Exceptions

Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by

Education Code 37.0021(i) [see Restraint, Documentation, below];

2. Juvenile probation, detention, or corrections personnel; or

3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

Law Enforcement Duties

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and

2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021(f)

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

"Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and

2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

Restraint

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. *19 TAC 89.1053(b)(2)*

The following provisions do not apply to the use of physical force or a mechanical device that does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced above does not include:

1. Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
2. Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the IEP as required by 34 C.F.R. 300.324(a)(2)(i) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
4. Seat belts and other safety equipment used to secure students during transportation.

19 TAC 89.1053(f)

Limitations on Use of Restraint

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

19 TAC 89.1053(c)

Emergency

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1)

Training Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).

Documentation In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation and notification requirements set forth at 19 Administrative Code 89.1053(e).

A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.

Education Code 37.0021(i)

Time-Out "Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

19 TAC 89.1053(b)(3)

Limitations on Use of Time-Out A school employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or behavior improvement plan or behavioral intervention plan if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately

toward attaining the annual goals specified in the student's IEP.

19 TAC 89.1053(g)

Training Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

Documentation Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP and/or behavior improvement plan or behavioral intervention plan. If a student has a behavior improvement plan or behavioral intervention plan, the district must document each use of time-out prompted by a behavior of the student specified in the student's behavior improvement plan or behavioral intervention plan, including a description of the behavior that prompted the time-out. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

19 TAC 89.1053(i)

Nondiscrimination

No person shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any district program or activity. *42 U.S.C. 2000d*

An officer or employee of a district who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the district;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the district;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civil Practices and Remedies Code 106.001(a)

Individuals with Disabilities

Federal Prohibition

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by a district. Nor shall a district exclude or otherwise deny equal services, programs, or activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association. *42 U.S.C. 12132; 28 C.F.R. 35.130(g)*

Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2); 28 C.F.R. 35.104*

Reasonable Modification

A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

Communications

A district shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, a district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal

opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, a district shall give primary consideration to the requests of the individual with disabilities. *28 C.F.R. 35.160*

Auxiliary Aids and Services

"Auxiliary aids and services" includes:

1. Qualified interpreters, note-takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments;

2. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments;

3. Acquisition or modification of equipment or devices; and

4. Other similar services and actions.

28 C.F.R. 35.104

Limits of Required Modification

A district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that compliance with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity or unduly burden a district shall be made by a board after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion. *28 C.F.R. 35.164*

Notice

A district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such manner as the board and superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA. *28 C.F.R. 35.106*

Compliance Coordinator

A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under the ADA. A district shall make available to all interested individuals the name, office address, and tele-

phone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. *28 C.F.R. 35.107* [See DAA and GF]

State Prohibition

Nondiscrimination

No person with a disability may be denied admittance to any public facility in the state because of the person's disability. No person with a disability may be denied the use of a white cane, assistance animal, wheelchair, crutches, or other device of assistance.

The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility and a failure to:

1. Comply with Government Code Chapter 469;
2. Make reasonable accommodations in policies, practices, and procedures; or
3. Provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility.

Regulations

Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their disabilities or use of assistance animals or other devices for assistance in travel, would fall within the designated class.

Human Resources Code 121.003(c)-(e)

Religious Freedom

A district may not substantially burden a person's free exercise of religion, unless it is acting in furtherance of a compelling governmental interest and has used the least restrictive means of furthering that interest. *Civil Practice and Remedies Code 110.003* [See also DAA and FB]

A district may not penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister, because the organization or individual refuses to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief. *Family Code 2.601-.602*

Adverse Action Prohibited

Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. *Gov't Code 2400.002*

Definitions

"Adverse action" means any action taken by a district to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or
6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

"Benefit program" means any program administered or funded by a governmental entity or federal agency that provides assistance in the form of payments, grants, loans, or loan guarantees.

"Person" has the meaning assigned by Government Code 311.005, except the term does not include:

1. An employee of a governmental entity acting within the employee's scope of employment;
2. A contractor of a governmental entity acting within the scope of the contract; or
3. An individual or a medical or residential custodial health-care facility while the individual or facility is providing medically necessary services to prevent another individual's death or imminent serious physical injury.

"Religious organization" means an organization that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Gov't Code 2400.001

Exception for Prohibited Contracts or Investments

This prohibition does not apply to an investment or contract with a company that boycotts Israel prohibited under Government Code Chapters 808 or 2271. [See CH] *Gov't Code 2400.0015*

Interpretation

This prohibition may not be construed to:

1. Preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs; or
2. Prevent a district from providing, either directly or through a person who is not seeking protection under this prohibition, any benefit or service authorized under state or federal law.

Gov't Code 2400.005

Web Content and Mobile App Accessibility

Note: Using the population estimate for the district as calculated by the United States Census Bureau in the most recent Small Area Income and Poverty Estimates, a district with a total population of 50,000 or more shall comply with these requirements beginning April 24, 2026. A district with a total population of less than 50,000 shall comply beginning April 26, 2027. *28 C.F.R. 35.104, .200(b)*

A district shall ensure that web content and mobile apps that it provides or makes available, directly or through contractual, licensing, or other arrangements, are readily accessible to and usable by individuals with disabilities.

A district shall ensure that its web content and mobile apps comply with Level A and Level AA success criteria and conformance requirements specified in WCAG 2.1, unless the district can demonstrate that compliance would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

28 C.F.R. 35.200

Exceptions

These accessibility requirements do not apply to the following:

1. Archived web content as defined in 28 C.F.R. 35.104.
2. Conventional electronic documents that are available as part of a district's web content or mobile apps before the date the district is required to comply with 28 C.F.R. Part 35, Subpart H, unless such documents are currently used to apply for,

gain access to, or participate in the district's services, programs, or activities.

3. Content posted by a third party, unless the third party is posting due to contractual, licensing, or other arrangements with the district.

4. Conventional electronic documents that are:

   a. About a specific individual, their property, or their account; and

   b. Password-protected or otherwise secured.

5. A district's social media posts that were posted before the date the district is required to comply with 28 C.F.R. Part 35, Subpart H.

28 C.F.R. 35.201

Conforming Alternate Versions

A district may use conforming alternate versions of web content, as defined by WCAG 2.1, to comply with these requirements only where it is not possible to make web content directly accessible due to technical or legal limitations. *28 C.F.R. 35.202*

Equivalent Facilitation

Nothing in 28 C.F.R. Part 35, Subpart H prevents the use of designs, methods, or techniques as alternatives to those prescribed, provided that the alternative designs, methods, or techniques result in substantially equivalent or greater accessibility and usability of the web content or mobile app. *28 C.F.R. 35.203*

Fundamental Alteration and Undue Burden

Where a district can demonstrate that compliance with these requirements would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, compliance is required to the extent that it does not result in a fundamental alteration or undue financial and administrative burdens.

In those circumstances where personnel of the district believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a district has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a district or their designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

If an action would result in such an alteration or such burdens, a district shall take any other action that would not result in such an

alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the district to the maximum extent possible.

28 C.F.R. 35.204

Noncompliance with Minimal Impact on Access

A district that is not in full compliance with these requirements will be deemed to have met the requirements in the limited circumstance in which the district can demonstrate that the noncompliance has such a minimal impact on access that it would not affect the ability of individuals with disabilities to use the district's web content or mobile app to do any of the following in a manner that provides substantially equivalent timeliness, privacy, independence, and ease of use:

1. Access the same information as individuals without disabilities;
2. Engage in the same interactions as individuals without disabilities;
3. Conduct the same transactions as individuals without disabilities; and
4. Otherwise participate in or benefit from the same services, programs, and activities as individuals without disabilities.

28 C.F.R. 35.205

Social Security Numbers

It shall be unlawful for a district to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.

Exceptions

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses

A district that requests disclosure of a Social Security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

5 U.S.C. 552a Note; PL 93-579, § 7, 88 Stat. 1896 (1974)

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products, e-cigarettes, or other electronic vaporizing devices on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Interlocal Cooperation Act

General Authority

A district may contract or agree with another local government or a federally recognized Indian tribe, as listed by the United States secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of Texas to perform governmental functions and services in accordance with Government Code Chapter 791 (the Interlocal Cooperation Act).

A party to an interlocal contract may contract with a state agency, as that term is defined by Government Code 771.002, or similar agency of another state.

An interlocal contract may:

1. Study the feasibility of the performance of a governmental function or service by interlocal contract; or
2. Provide a governmental function or service that each party to the contract is authorized to perform individually.

Gov't Code 791.011(a), (b), (c)

"Governmental functions and services" means all or part of a function or service in any of the following areas:

1. Police protection and detention services;
2. Fire protection;
3. Streets, roads, and drainage;
4. Public health and welfare;
5. Parks and recreation;
6. Library and museum services;
7. Records center services;
8. Waste disposal;
9. Planning;
10. Engineering;
11. Administrative functions;
12. Public funds investment;
13. Comprehensive health care and hospital services; or
14. Other governmental functions in which the contracting parties are mutually interested.

Gov't Code 791.003(3)

Requirements

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract unless a party to the contract is a municipally owned electric utility;
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 and may have a specified term of years.

Gov't Code 791.011(d), (e), (f), (i)

Note: For legal provisions related to using interlocal contracts for purchasing goods and services, see CH.

For legal provisions related to using cooperative purchasing for construction-related goods and services, see CV.

Health Care and Hospital Services

A district may contract with another local government authorized to provide health care and hospital services to provide those services for the district's officers and employees and their dependents. *Gov't Code 791.030*

A hospital district may contract with a school district included in the hospital district to provide nursing services and assistance to employees or students of the district. *Health and Safety Code 281.0465*

Transportation System Outside the District

A board may establish and operate an economical public school transportation system outside the district if the district enters into an interlocal contract as provided by Government Code Chapter 791. *Education Code 34.007(a)(2)* [See CNA]

School Crossing Guards

A municipality with a population greater than 1.3 million may contract with one or more school districts to provide school crossing guards. Under such a contract, a district may provide school crossing guard services to areas of the municipality that are not part of the district. *Local Gov't Code 343.011, .012*

State Hospital for Accountability Purposes

A memorandum of understanding between a district and a state hospital under which the district provides educational services to a student who resides in the state hospital must provide that the district include the performance of the student on an assessment instrument or other achievement indicator adopted under Education Code 39.053 or a reporting indicator adopted under Education Code 39.301 in determining the performance of the district. *Education Code 39.0552*

Intergovernmental Support Agreements

A district may enter into an intergovernmental support agreement with a branch of the armed forces of the United States under the National Defense Authorization Act (10 U.S.C. Section 2679) to provide installation-support services to a military installation located in this state. *Gov't Code 793.002*

"Installation-support services" means those services, supplies, resources, and support typically provided by a local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security guard or fire-fighting functions. *10 U.S.C. 2679(f)(1)*

(LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

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

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue font: new text.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

Note: While the annotation software competently identifies simple changes, large or complicated changes — as in an extensive rewrite — may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes make 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 us:

School Districts and Education Service Centers, call 800-580-7529 or email policy.service@tasb.org.

Community Colleges, call 800-580-1488 or email colleges@tasb.org.

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight~~:~~:

- Code of ethics:
  - for Board members~~—~~ — BBF
  - for employees~~—~~ — DH
- Financial conflicts of interest:
  - for public officials~~—~~ — BBFA
  - for all employees~~—~~ — DBD
  - for vendors~~—~~ — CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to~~:~~:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Knowingly submitting a false or fraudulent claim to obtain payment from the United States government.
13. Any other dishonest act regarding the finances of the District.
14. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The Superintendent ~~or designee~~ shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent ~~or designee~~, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent ~~or designee~~ shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent ~~or designee~~ shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or a designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards Disclosure

~~The~~ In connection with federal awards, the District shall promptly disclose~~, in a timely manner~~ in writing ~~to the federal awarding agency or pass-through entity, all violations~~whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations ~~potentially affecting~~found in federal law, including the

Civil False Claims Act. This provision applies to any activities or subawards of a federal ~~grant~~ award. [See CBB]

False Claims Act

The Superintendent ~~or designee~~ shall ensure that employees, vendors, and contractors with any responsibilities for services to be reimbursed through Medicaid are informed of the False Claims Act and the District's prohibition on knowingly submitting a false or fraudulent claim for payment, federal administrative remedies for false claims and statements, and state laws on false claims and statements.

The District's procedures shall include information regarding reporting suspected violations as provided at Reports, above, as well as reporting to the ~~State~~U.S. Department of State's Office of Inspector General hotline at ~~1-800-436-6184 or on their website[1]~~202-647-3320.

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent ~~or designee~~ shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent ~~or designee~~ shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

~~[1] State Office of Inspector General: https://oig.hhsc.state.tx.us/~~

Scope

This policy applies to all financial assets of the District as reported in the District's comprehensive annual financial report and includes the following funds:

1. General funds.
2. Special revenue funds.
3. Debt service fund.
4. Capital project funds.
5. Proprietary funds.
6. Custodial funds.
7. Any other funds as created by the District.

Objectives

The primary objectives, in priority order, of the District's investment activities shall be:

1. The main goal of the investment policy shall be to ensure the preservation and safety of principal, liquidity, as well as to maximize financial return within current market conditions in accordance with this policy. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio and offsets, during a 12-month period, any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.
2. The investment portfolio shall remain sufficiently liquid to meet all operating requirements which might be reasonably anticipated.
3. The District's investment portfolio shall be designed to earn the highest possible rates of return on investments consistent with the foregoing objectives and priorities.
4. Investments shall be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions.

Investment Authority

The assistant superintendent of finance shall serve as the investment officer of the District. The investment officer, after consultation with the investment committee, shall recommend appropriate legally authorized and adequately secured investments, and shall direct investment of District funds in accordance with the District's approved written investment policy and generally accepted accounting procedures. The investment officer shall be responsible

for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. In addition, the investment officer shall appoint the investment committee, which shall consist of at least three full-time employees of the District.

Approved Investment Instruments

From those investments authorized by law and described further in CDA(LEGAL) under Authorized Investments, the Board shall permit investment of District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of the U.S. or Texas or its agencies and instrumentalities and political subdivisions including collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. Banker's acceptances as permitted by Government Code 2256.012.
5. Commercial paper as permitted by Government Code 2256.013.
6. Money market mutual funds as permitted by Government Code 2256.014.
7. Public funds investment pools as permitted by Government Code 2256.016-2256.019.

Investment Management

In accordance with Government Code 2256.0059(b)(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

Liquidity and Maturity

To the extent possible, the District will attempt to match its investments with anticipated cash flow requirements. The dollar average weighted maturity of the portfolio as a whole will not exceed 547 days (18 months). Funds are normally invested as follows and are considered suitable to the financial requirements of the District:

1. Investments of less than 60 days shall be considered short term investments. Funds needed to meet daily or short-term operating requirements will usually be held in an investment

pool (TexPool, Logic, and LoneStar) with a maximum dollar weighted maturity of 180 days. These investment pools allow daily liquidation privileges. Interest rates change daily.

2. Investments between 60 days and one year shall be considered intermediate term investments. Treasuries, agencies, agency discount notes, and investment pools are the primary investment vehicle. Agency discount notes are preferred because of the ease with which they are traded, and their return is comparable to other agencies and usually greater than treasuries or investment pools. Investment pools are preferred when short term interest rates are low and there is no significant earning advantage in using other investment instruments.

3. Investments that are one year or longer shall be considered long term investments. Treasuries and agencies are the primary investment vehicle. Investments are laddered so that principal is returned in increments sufficient to meet anticipated operating and capital needs.

Funds/Strategies

Investments of the following fund categories shall be consistent with this policy and in accordance with the strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

General Funds

Investment strategies for general operating funds shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This shall be accomplished by purchasing quality securities that will complement each other in a laddered maturity structure.

Special Revenue Funds

Investment strategies for special revenue funds shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective shall be to create a portfolio structure that will experience minimal volatility during economic cycles. This shall be accomplished by purchasing quality securities that will complement each other in a laddered maturity structure.

Debt Service Fund

Investment strategies for the debt service fund shall have as its primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the

bond documents. Maturities longer than one year shall be authorized provided legal limits are not exceeded.

Capital Project Funds — Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. When the District has funds from bond proceeds, they shall be invested in accordance with provisions in the bond documents.

Custodial Funds — Investment strategies for custodial funds shall have as their primary objective preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Proprietary Funds — Investment strategies for proprietary funds shall have as their primary objective preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Safekeeping and Custody — All security transactions, except investment pools and mutual funds, entered into by the District shall be conducted on a delivery-versus-payment basis. Securities shall be held by a third-party custodian designated by the District and evidenced by safekeeping receipts in order to reduce custodial credit risk.

Sellers of Investments — Prior to handling investments on behalf of the District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law. [See Sellers of Investments, CDA(LEGAL)]

Representatives of brokers/dealers and representatives with distributors of investment pools shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA). Distributors of investment pools shall also be a registrant in good standing with the Municipal Securities Rulemaking Board (MSRB).

Soliciting Bids — All purchases of investments, with the exception of investments in pools and new agency issues, shall be placed after receiving competitive quotes from financial institutions, brokers/dealers, or a combination thereof. Quotes will be accepted in writing, by telephone, electronically, or any combination thereof. Funds shall be invested in an authorized investment pool until such time as the bidding process can be completed. Final approval of investments shall be made by the investment officer, after consultation with the investment committee.

Diversification Requirements

Diversification of the investment portfolio shall be desirable to reduce the risk of losses due to a change in market conditions, such as interest rate changes (interest rate risk) or institutional failure (concentration of credit risk). The District's diversification policies are designed to reduce both types of loss risks.

Diversification is primarily reviewed on a portfolio-wide basis. It is recognized that while specific funds may not have large enough individual investment balances to diversify, the investment portfolio as a whole can be adequately diversified.

Interest Rate Risk

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.

The District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

The investment officer shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed with the independent auditor on an annual basis. These controls shall be designed to control collusion and to implement a separation of functions including the separation of transaction authority from accounting and recordkeeping and electronic transfer of funds. The controls shall also establish custodial safekeeping guidelines, and procedures for the delegation of authority to subordinate staff. The controls shall require written confirmation of telephone and electronic transactions and documentation of transaction and strategies.

Performance Standards

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs of the District. The basis used for performance evaluation may include, but not be limited to, comparisons to 91-day U.S. Treasury Bills, six-month U.S. Treasury Bills, the average Federal Funds rate, the Lehman bond index, and rates from investment pools.

Monitoring Market Prices

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done monthly or more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

Monitoring Rating Changes

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

Intellectual Property

All copyrights, trademarks, and other intellectual property rights belonging to the District shall remain with the District at all times. Except as provided by law, policy, or written authorization from the Superintendent, the use of District intellectual property shall be limited to District-related purposes.

Students

A student shall retain all rights to their own work created as part of instruction or using District technology resources.

Employees

District Ownership

As an agent of the District, an employee, including a student employee, shall not have rights to work ~~he or she creates~~created on District time or using District technology resources. The District shall own any work or work product created by a District employee in the course and scope of ~~his or her~~District employment, including the right to obtain patents or copyrights.

Employee Ownership

~~If the employee obtains a patent for such work, the employee shall grant a non-exclusive, non-transferable, perpetual, royalty-free, Districtwide license to the District for use of the patented work.~~ A District employee shall own any work or work product produced on ~~his or her own~~ personal time~~, away from his or her job~~ and with personal equipment and materials, including the right to obtain patents or copyrights.

~~*Permission*~~

~~*A District employee may apply to the*~~*Exception*

The Superintendent ~~or designee~~shall have the authority to permit use of District materials and equipment in ~~his or her creative~~ developing the employee's own projects, provided the employee agrees ~~either~~in writing to grant to the District a ~~non-exclusive, non-transferable~~nonexclusive, nontransferable, perpetual, royalty-free, Districtwide license to use the work, or permits the District to be listed as co-author or co-inventor if the District contribution to the work is substantial. District materials do not include student work, all rights to which are retained by the student.

~~Works Made for Hire~~

Independent Contractors

The District may hire an independent contractor for specially commissioned ~~work(s)~~works under a written works-made-for-hire agreement that provides that the District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

Return of Intellectual Property

Upon the termination of any person's association with the District, all permission to possess, receive, or modify the District's intellectual property shall also immediately terminate. All such persons shall return to the District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

Copyright

Unless the proposed use of a copyrighted work is an exception under the "fair use" guidelines maintained by the Superintendent ~~or designee~~, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder's work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

Technology Use

~~All persons are prohibited from using~~Use of District technology in violation of any law, including copyright law~~.~~, is prohibited. Only appropriately licensed images, applications, programs, or other software may be used with District technology resources. ~~No person shall use the~~The District's technology resources shall not be used to post, publicize, or duplicate information in violation of copyright law. The ~~Board shall direct the~~ Superintendent ~~or designee to~~shall employ all reasonable measures to prevent the use of District technology resources in violation of the law. ~~All persons~~Any person using District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CQ]

~~Electronic Media~~

~~Unless a license or permission is obtained, electronic media in the classroom~~Performances and Displays

The display and performance of copyrighted material, including motion pictures ~~and other audiovisual~~, dramatic works, ~~must be used in~~ musical performances, or other audio and visual works, may only occur as part of instructional activities and in accordance with the following:

- As a regular part of teaching and directly related to the ~~course of~~curriculum;
- During face-to-face teaching activities ~~as defined by law~~;
- When viewed in a classroom or designated place of instruction; and
- With a lawfully made copy or through authorized access.

Designated Agent

The District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent's identity. The District shall include on its ~~Web site~~website information on how to contact the District's designated agent and a copy of the District's copyright policy. Upon notification, the District's designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

If a content owner reasonably believes that the District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

Trademark

The District protects all District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

School-Related Use

The District grants permission to students, student organizations, parent organizations and other District~~ ~~affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a campus, or the District, if the use is in furtherance of a school-related business or activity. The Superintendent ~~or designee~~ shall determine what constitutes use in furtherance of a school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

Public Use

Members of the ~~general~~ public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without ~~the~~ written ~~permission of~~authorization from the Superintendent~~ or designee~~. Any production of merchandise with District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses District or campus trademarks without appropriate authorization ~~shall~~may be subject to legal action.

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action~~. [See CKE]~~ [see the CKE series];
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent ~~or designee~~.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and Nicotine Products and E-Cigarettes

~~An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]~~

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for

any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Felony driving while intoxicated (DWI); or
    - Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Dyslexia and Related Disorders

The District shall comply with all applicable state rules ~~and standards adopted by the State Board of Education and guidance published by the commissioner of education to implement the program to test~~regarding students ~~for~~with dyslexia and related disorders, including the "Dyslexia Handbook" and the provision of dyslexia instruction for students with dyslexia or a related disorder as determined by the student's admission, review, and dismissal committee.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the ~~assessment~~identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Identification Criteria

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

Selection

A ~~selection~~placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the ~~selection~~placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the ~~selection~~placement committee or a parent determines ~~it is in the best interest of the student to exit~~ the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the ~~selection~~placement committee regarding ~~selection for or exit from~~ services in the gifted and talented program. Appeals shall be made first to the ~~selection~~placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus im-

provement plans. The District shall include parents in the evaluation process and shall share the information with Board members, administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The ~~District's~~ Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program ~~shall address effective use of funds for programs~~are spent providing and ~~services consistent with the standards in the state plan~~enhancing the District's program and that a method accounting for expenditures related to the gifted and talented ~~students~~program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of ~~the Texas Department of Family and Protective Services (~~DFPS~~)~~ at ~~(~~800~~)~~ 252-5400 or the Texas Abuse Hotline ~~Website~~website[1];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus princi-

pal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

~~In accordance with state law, the~~The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

[1] Texas Abuse Hotline ~~Website~~website: http://www.txabusehotline.org

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products ~~and~~, e-cigarettes, or other electronic vaporizing devices on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

(LOCAL) Policies Packet

For your convenience, this file contains *only* the local policies from your school district's TASB update packet.

What is in this packet?

- Instruction sheet for recommended (LOCAL) policies
- Explanatory Notes for recommended (LOCAL) policies
- Clean copies of recommended (LOCAL) policies
- Annotated (redlined) copies of recommended (LOCAL) policy changes

This is not the full update packet.

To retrieve your district's full update packet, log in to Policy Online® and visit My Policy Manual > Local Manual Updates > Numbered Updates.

What is in the full update packet?

The full update packet contains:

- A summary of the overall policy update
- (LEGAL) policies and (EXHIBIT) documents that describe the statutory framework in which your local policies must operate
- Instructions and Explanatory Notes for every policy change, not just the (LOCAL) policies
- Guidance on how to:
    - Present recommended policy changes to the board
    - Keep minutes
    - Notify TASB of board action
    - Maintain your historical record
    - Update your administrative regulations

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

Instruction Sheet

TASB Localized Policy Manual Update 124

Alief ISD

Code	Type	Action To Be Taken	Note
CAA	(LOCAL)	Replace policy	Revised policy
CDA	(LOCAL)	Replace policy	Revised policy
CY	(LOCAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
EHB	(LOCAL)	Replace policy	Revised policy
EHBB	(LOCAL)	Replace policy	Revised policy
FFG	(LOCAL)	Replace policy	Revised policy
GKA	(LOCAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 124

Alief ISD

CAA(LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS

Recommended revisions to this local policy at Federal Awards Disclosure are to align text with updated rules regarding federal grants found in the Code of Federal Regulations. This guidance became effective October 1, 2024, and is reflected in CBB(LEGAL). The phrase "or designee" is recommended for deletion throughout the policy, except in places where the designation of another individual could be in place of the superintendent or board president and not just the superintendent as is the case in most other policies.

Please note: The district's locally developed text at False Claims Act has been updated with the current hotline phone number for the Office of Inspector General. Please contact your policy consultant if you have any questions.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

CDA(LOCAL) OTHER REVENUES: INVESTMENTS

The section on Sellers of Investments is recommended for revision to specify that representatives with distributors of investment pools must be registered with the Texas State Securities Board, have membership in the Securities Investor Protection Corporation, and be in good standing with the Financial Industry Regulatory Authority. Distributors of investment pools must also be registered in good standing with the Municipal Securities Rulemaking Board.

Please note: The district's locally developed text throughout the policy remains unchanged.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

CY(LOCAL) INTELLECTUAL PROPERTY

Revisions are recommended throughout this local policy to clarify the circumstances under which the district's intellectual property may be used and where ownership of intellectual property lies when material is created by a district employee. Other recommended revisions clarify how district employees may use other copyrighted material, including copyrighted material used for performances and displays in instruction.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

The provisions addressing tobacco and e-cigarettes are recommended for revision to include nicotine products regardless of whether the product contains tobacco. This language aligns with the language included in the Model Employee Handbook.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

Recommended revisions to this local policy on Special Programs reflect updated Administrative Code rules addressing dyslexia and related disorders, specifically inclusion of references to the *Dyslexia Handbook* and admission, review, and dismissal (ARD) committee decisions.

Explanatory Notes

TASB Localized Policy Manual Update 124

Alief ISD

EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Changes to the Texas State Plan for the Education of Gifted/Talented Students, approved by the State Board of Education in September 2024, prompted updates in terminology throughout this local policy. Recommended revisions at Funding are to align the text with requirements in the Education Code and in Administrative Code rules.

FFG(LOCAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Under Reporting Child Abuse and Neglect, a new subsection on Oral Reports is recommended to comply with revisions to the Family Code and Administrative Code. Recommended revisions at Making a Report are to clarify new requirements in the Education Code stating that reporting individuals must provide their name and contact information when making a report. The policy still states that the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law.

GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Recommended language prohibiting electronic vaporizing devices has been added to the Tobacco and E-Cigarettes section of this local policy.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  - for Board members — BBF
  - for employees — DH
- Financial conflicts of interest:
  - for public officials — BBFA
  - for all employees — DBD
  - for vendors — CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

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Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Knowingly submitting a false or fraudulent claim to obtain payment from the United States government.
13. Any other dishonest act regarding the finances of the District.
14. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The Superintendent shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or a designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards Disclosure

In connection with federal awards, the District shall promptly disclose in writing whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in federal law, including the Civil False Claims Act. This provision applies to any activities or subawards of a federal award. [See CBB]

False Claims Act

The Superintendent shall ensure that employees, vendors, and contractors with any responsibilities for services to be reimbursed through Medicaid are informed of the False Claims Act and the District's prohibition on knowingly submitting a false or fraudulent

claim for payment, federal administrative remedies for false claims and statements, and state laws on false claims and statements.

The District's procedures shall include information regarding reporting suspected violations as provided at Reports, above, as well as reporting to the U.S. Department of State's Office of Inspector General hotline at 202-647-3320.

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

Scope

This policy applies to all financial assets of the District as reported in the District's comprehensive annual financial report and includes the following funds:

1. General funds.
2. Special revenue funds.
3. Debt service fund.
4. Capital project funds.
5. Proprietary funds.
6. Custodial funds.
7. Any other funds as created by the District.

Objectives

The primary objectives, in priority order, of the District's investment activities shall be:

1. The main goal of the investment policy shall be to ensure the preservation and safety of principal, liquidity, as well as to maximize financial return within current market conditions in accordance with this policy. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio and offsets, during a 12-month period, any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.
2. The investment portfolio shall remain sufficiently liquid to meet all operating requirements which might be reasonably anticipated.
3. The District's investment portfolio shall be designed to earn the highest possible rates of return on investments consistent with the foregoing objectives and priorities.
4. Investments shall be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions.

Investment Authority

The assistant superintendent of finance shall serve as the investment officer of the District. The investment officer, after consultation with the investment committee, shall recommend appropriate legally authorized and adequately secured investments, and shall direct investment of District funds in accordance with the District's approved written investment policy and generally accepted accounting procedures. The investment officer shall be responsible

for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. In addition, the investment officer shall appoint the investment committee, which shall consist of at least three full-time employees of the District.

Approved Investment Instruments

From those investments authorized by law and described further in CDA(LEGAL) under Authorized Investments, the Board shall permit investment of District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of the U.S. or Texas or its agencies and instrumentalities and political subdivisions including collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. Banker's acceptances as permitted by Government Code 2256.012.
5. Commercial paper as permitted by Government Code 2256.013.
6. Money market mutual funds as permitted by Government Code 2256.014.
7. Public funds investment pools as permitted by Government Code 2256.016-2256.019.

Investment Management

In accordance with Government Code 2256.0059(b)(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

Liquidity and Maturity

To the extent possible, the District will attempt to match its investments with anticipated cash flow requirements. The dollar average weighted maturity of the portfolio as a whole will not exceed 547 days (18 months). Funds are normally invested as follows and are considered suitable to the financial requirements of the District:

1. Investments of less than 60 days shall be considered short term investments. Funds needed to meet daily or short-term operating requirements will usually be held in an investment

pool (TexPool, Logic, and LoneStar) with a maximum dollar weighted maturity of 180 days. These investment pools allow daily liquidation privileges. Interest rates change daily.

2. Investments between 60 days and one year shall be considered intermediate term investments. Treasuries, agencies, agency discount notes, and investment pools are the primary investment vehicle. Agency discount notes are preferred because of the ease with which they are traded, and their return is comparable to other agencies and usually greater than treasuries or investment pools. Investment pools are preferred when short term interest rates are low and there is no significant earning advantage in using other investment instruments.

3. Investments that are one year or longer shall be considered long term investments. Treasuries and agencies are the primary investment vehicle. Investments are laddered so that principal is returned in increments sufficient to meet anticipated operating and capital needs.

Funds/Strategies

Investments of the following fund categories shall be consistent with this policy and in accordance with the strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

General Funds

Investment strategies for general operating funds shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This shall be accomplished by purchasing quality securities that will complement each other in a laddered maturity structure.

Special Revenue Funds

Investment strategies for special revenue funds shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective shall be to create a portfolio structure that will experience minimal volatility during economic cycles. This shall be accomplished by purchasing quality securities that will complement each other in a laddered maturity structure.

Debt Service Fund

Investment strategies for the debt service fund shall have as its primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the

bond documents. Maturities longer than one year shall be authorized provided legal limits are not exceeded.

Capital Project Funds — Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. When the District has funds from bond proceeds, they shall be invested in accordance with provisions in the bond documents.

Custodial Funds — Investment strategies for custodial funds shall have as their primary objective preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Proprietary Funds — Investment strategies for proprietary funds shall have as their primary objective preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Safekeeping and Custody — All security transactions, except investment pools and mutual funds, entered into by the District shall be conducted on a delivery-versus-payment basis. Securities shall be held by a third-party custodian designated by the District and evidenced by safekeeping receipts in order to reduce custodial credit risk.

Sellers of Investments — Prior to handling investments on behalf of the District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law. [See Sellers of Investments, CDA(LEGAL)]

Representatives of brokers/dealers and representatives with distributors of investment pools shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA). Distributors of investment pools shall also be a registrant in good standing with the Municipal Securities Rulemaking Board (MSRB).

Soliciting Bids — All purchases of investments, with the exception of investments in pools and new agency issues, shall be placed after receiving competitive quotes from financial institutions, brokers/dealers, or a combination thereof. Quotes will be accepted in writing, by telephone, electronically, or any combination thereof. Funds shall be invested in an authorized investment pool until such time as the bidding process can be completed. Final approval of investments shall be made by the investment officer, after consultation with the investment committee.

Diversification Requirements

Diversification of the investment portfolio shall be desirable to reduce the risk of losses due to a change in market conditions, such as interest rate changes (interest rate risk) or institutional failure (concentration of credit risk). The District's diversification policies are designed to reduce both types of loss risks.

Diversification is primarily reviewed on a portfolio-wide basis. It is recognized that while specific funds may not have large enough individual investment balances to diversify, the investment portfolio as a whole can be adequately diversified.

Interest Rate Risk

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.

The District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

The investment officer shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed with the independent auditor on an annual basis. These controls shall be designed to control collusion and to implement a separation of functions including the separation of transaction authority from accounting and recordkeeping and electronic transfer of funds. The controls shall also establish custodial safekeeping guidelines, and procedures for the delegation of authority to subordinate staff. The controls shall require written confirmation of telephone and electronic transactions and documentation of transaction and strategies.

Performance Standards

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs of the District. The basis used for performance evaluation may include, but not be limited to, comparisons to 91-day U.S. Treasury Bills, six-month U.S. Treasury Bills, the average Federal Funds rate, the Lehman bond index, and rates from investment pools.

Monitoring Market Prices

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done monthly or more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

Monitoring Rating Changes

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

Intellectual Property All copyrights, trademarks, and other intellectual property rights belonging to the District shall remain with the District at all times. Except as provided by law, policy, or written authorization from the Superintendent, the use of District intellectual property shall be limited to District-related purposes.

Students — A student shall retain all rights to their own work created as part of instruction or using District technology resources.

Employees — As an agent of the District, an employee, including a student employee, shall not have rights to work created on District time or using District technology resources. The District shall own any work or work product created by a District employee in the course and scope of District employment, including the right to obtain patents or copyrights.

District Ownership

Employee Ownership — A District employee shall own any work or work product produced on personal time and with personal equipment and materials, including the right to obtain patents or copyrights.

Exception — The Superintendent shall have the authority to permit use of District materials and equipment in developing the employee's own projects, provided the employee agrees in writing to grant to the District a nonexclusive, nontransferable, perpetual, royalty-free, District-wide license to use the work, or permits the District to be listed as co-author or co-inventor if the District contribution to the work is substantial. District materials do not include student work, all rights to which are retained by the student.

Independent Contractors — The District may hire an independent contractor for specially commissioned works under a written works-made-for-hire agreement that provides that the District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

Return of Intellectual Property — Upon the termination of any person's association with the District, all permission to possess, receive, or modify the District's intellectual property shall also immediately terminate. All such persons shall return to the District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

Copyright Unless the proposed use of a copyrighted work is an exception under the "fair use" guidelines maintained by the Superintendent, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder's work for instructional, curricular, or extracurricu-

lar purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

Technology Use

Use of District technology in violation of any law, including copyright law, is prohibited. Only appropriately licensed images, applications, programs, or other software may be used with District technology resources. The District's technology resources shall not be used to post, publicize, or duplicate information in violation of copyright law. The Superintendent shall employ all reasonable measures to prevent the use of District technology resources in violation of the law. Any person using District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CQ]

Performances and Displays

The display and performance of copyrighted material, including motion pictures, dramatic works, musical performances, or other audio and visual works, may only occur as part of instructional activities and in accordance with the following:

- As a regular part of teaching and directly related to the curriculum;
- During face-to-face teaching activities;
- When viewed in a classroom or designated place of instruction; and
- With a lawfully made copy or through authorized access.

Designated Agent

The District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent's identity. The District shall include on its website information on how to contact the District's designated agent and a copy of the District's copyright policy. Upon notification, the District's designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

If a content owner reasonably believes that the District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

Trademark

The District protects all District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

School-Related Use

The District grants permission to students, student organizations, parent organizations and other District-affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a

campus, or the District, if the use is in furtherance of a school-related business or activity. The Superintendent shall determine what constitutes use in furtherance of a school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

Public Use

Members of the public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without written authorization from the Superintendent. Any production of merchandise with District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses District or campus trademarks without appropriate authorization may be subject to legal action.

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action [see the CKE series];
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and Nicotine Products and E-Cigarettes

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances

during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Felony driving while intoxicated (DWI); or
    - Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Dyslexia and Related Disorders

The District shall comply with all applicable state rules regarding students with dyslexia and related disorders, including the "Dyslexia Handbook" and the provision of dyslexia instruction for students with dyslexia or a related disorder as determined by the student's admission, review, and dismissal committee.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Identification Criteria

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

Selection

A placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the placement committee or a parent determines the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the placement committee regarding services in the gifted and talented program. Appeals shall be made first to the placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members,

administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program are spent providing and enhancing the District's program and that a method accounting for expenditures related to the gifted and talented program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of DFPS at 800-252-5400 or the Texas Abuse Hotline website[1];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

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[1] Texas Abuse Hotline website: http://www.txabusehotline.org

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products, e-cigarettes, or other electronic vaporizing devices on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

(LOCAL) Policy Comparisons

These documents are generated by an automated process that compares the updated policy to the current policy as found in TASB records.

In this packet, you will find:

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

Annotations are shown as follows:

- Deletions are in a red strike-through font: ~~deleted text~~.
- Additions are in a blue font: new text.
- Blocks of text that were moved without changes are shown in green, with double underline and double strike-through formatting to distinguish the text's new placement from its original location: ~~moved text~~ becomes moved text.
- Revision bars appear in the right margin to show sections with changes.

Note: While the annotation software competently identifies simple changes, large or complicated changes — as in an extensive rewrite — may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes make 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 us:

School Districts and Education Service Centers, call 800-580-7529 or email policy.service@tasb.org.

Community Colleges, call 800-580-1488 or email colleges@tasb.org.

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight~~:~~:

- Code of ethics:
  - for Board members~~—~~ — BBF
  - for employees~~—~~ — DH
- Financial conflicts of interest:
  - for public officials~~—~~ — BBFA
  - for all employees~~—~~ — DBD
  - for vendors~~—~~ — CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

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Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to~~:~~:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Knowingly submitting a false or fraudulent claim to obtain payment from the United States government.
13. Any other dishonest act regarding the finances of the District.
14. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The Superintendent ~~or designee~~ shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent ~~or designee~~, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent ~~or designee~~ shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent ~~or designee~~ shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or a designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards Disclosure

~~The~~ In connection with federal awards, the District shall promptly disclose~~, in a timely manner~~ in writing ~~to the federal awarding agency or pass-through entity, all violations~~whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations ~~potentially affecting~~found in federal law, including the

Civil False Claims Act. This provision applies to any activities or subawards of a federal ~~grant~~ award. [See CBB]

False Claims Act

The Superintendent ~~or designee~~ shall ensure that employees, vendors, and contractors with any responsibilities for services to be reimbursed through Medicaid are informed of the False Claims Act and the District's prohibition on knowingly submitting a false or fraudulent claim for payment, federal administrative remedies for false claims and statements, and state laws on false claims and statements.

The District's procedures shall include information regarding reporting suspected violations as provided at Reports, above, as well as reporting to the ~~State~~U.S. Department of State's Office of Inspector General hotline at ~~1-800-436-6184 or on their website[1]~~202-647-3320.

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent ~~or designee~~ shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent ~~or designee~~ shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

~~[1] State Office of Inspector General: https://oig.hhsc.state.tx.us/~~

Scope

This policy applies to all financial assets of the District as reported in the District's comprehensive annual financial report and includes the following funds:

1. General funds.
2. Special revenue funds.
3. Debt service fund.
4. Capital project funds.
5. Proprietary funds.
6. Custodial funds.
7. Any other funds as created by the District.

Objectives

The primary objectives, in priority order, of the District's investment activities shall be:

1. The main goal of the investment policy shall be to ensure the preservation and safety of principal, liquidity, as well as to maximize financial return within current market conditions in accordance with this policy. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio and offsets, during a 12-month period, any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.
2. The investment portfolio shall remain sufficiently liquid to meet all operating requirements which might be reasonably anticipated.
3. The District's investment portfolio shall be designed to earn the highest possible rates of return on investments consistent with the foregoing objectives and priorities.
4. Investments shall be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions.

Investment Authority

The assistant superintendent of finance shall serve as the investment officer of the District. The investment officer, after consultation with the investment committee, shall recommend appropriate legally authorized and adequately secured investments, and shall direct investment of District funds in accordance with the District's approved written investment policy and generally accepted accounting procedures. The investment officer shall be responsible

for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. In addition, the investment officer shall appoint the investment committee, which shall consist of at least three full-time employees of the District.

Approved Investment Instruments

From those investments authorized by law and described further in CDA(LEGAL) under Authorized Investments, the Board shall permit investment of District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of the U.S. or Texas or its agencies and instrumentalities and political subdivisions including collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. Banker's acceptances as permitted by Government Code 2256.012.
5. Commercial paper as permitted by Government Code 2256.013.
6. Money market mutual funds as permitted by Government Code 2256.014.
7. Public funds investment pools as permitted by Government Code 2256.016-2256.019.

Investment Management

In accordance with Government Code 2256.0059(b)(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

Liquidity and Maturity

To the extent possible, the District will attempt to match its investments with anticipated cash flow requirements. The dollar average weighted maturity of the portfolio as a whole will not exceed 547 days (18 months). Funds are normally invested as follows and are considered suitable to the financial requirements of the District:

1. Investments of less than 60 days shall be considered short term investments. Funds needed to meet daily or short-term operating requirements will usually be held in an investment

pool (TexPool, Logic, and LoneStar) with a maximum dollar weighted maturity of 180 days. These investment pools allow daily liquidation privileges. Interest rates change daily.

2. Investments between 60 days and one year shall be considered intermediate term investments. Treasuries, agencies, agency discount notes, and investment pools are the primary investment vehicle. Agency discount notes are preferred because of the ease with which they are traded, and their return is comparable to other agencies and usually greater than treasuries or investment pools. Investment pools are preferred when short term interest rates are low and there is no significant earning advantage in using other investment instruments.

3. Investments that are one year or longer shall be considered long term investments. Treasuries and agencies are the primary investment vehicle. Investments are laddered so that principal is returned in increments sufficient to meet anticipated operating and capital needs.

Funds/Strategies

Investments of the following fund categories shall be consistent with this policy and in accordance with the strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

General Funds

Investment strategies for general operating funds shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure which will experience minimal volatility during economic cycles. This shall be accomplished by purchasing quality securities that will complement each other in a laddered maturity structure.

Special Revenue Funds

Investment strategies for special revenue funds shall have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective shall be to create a portfolio structure that will experience minimal volatility during economic cycles. This shall be accomplished by purchasing quality securities that will complement each other in a laddered maturity structure.

Debt Service Fund

Investment strategies for the debt service fund shall have as its primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the

bond documents. Maturities longer than one year shall be authorized provided legal limits are not exceeded.

Capital Project Funds — Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. When the District has funds from bond proceeds, they shall be invested in accordance with provisions in the bond documents.

Custodial Funds — Investment strategies for custodial funds shall have as their primary objective preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Proprietary Funds — Investment strategies for proprietary funds shall have as their primary objective preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Safekeeping and Custody — All security transactions, except investment pools and mutual funds, entered into by the District shall be conducted on a delivery-versus-payment basis. Securities shall be held by a third-party custodian designated by the District and evidenced by safekeeping receipts in order to reduce custodial credit risk.

Sellers of Investments — Prior to handling investments on behalf of the District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law. [See Sellers of Investments, CDA(LEGAL)]

Representatives of brokers/dealers and representatives with distributors of investment pools shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA). Distributors of investment pools shall also be a registrant in good standing with the Municipal Securities Rulemaking Board (MSRB).

Soliciting Bids — All purchases of investments, with the exception of investments in pools and new agency issues, shall be placed after receiving competitive quotes from financial institutions, brokers/dealers, or a combination thereof. Quotes will be accepted in writing, by telephone, electronically, or any combination thereof. Funds shall be invested in an authorized investment pool until such time as the bidding process can be completed. Final approval of investments shall be made by the investment officer, after consultation with the investment committee.

Diversification Requirements

Diversification of the investment portfolio shall be desirable to reduce the risk of losses due to a change in market conditions, such as interest rate changes (interest rate risk) or institutional failure (concentration of credit risk). The District's diversification policies are designed to reduce both types of loss risks.

Diversification is primarily reviewed on a portfolio-wide basis. It is recognized that while specific funds may not have large enough individual investment balances to diversify, the investment portfolio as a whole can be adequately diversified.

Interest Rate Risk

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.

The District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

The investment officer shall establish a system of internal controls, which shall be documented in writing. The internal controls shall be reviewed with the independent auditor on an annual basis. These controls shall be designed to control collusion and to implement a separation of functions including the separation of transaction authority from accounting and recordkeeping and electronic transfer of funds. The controls shall also establish custodial safekeeping guidelines, and procedures for the delegation of authority to subordinate staff. The controls shall require written confirmation of telephone and electronic transactions and documentation of transaction and strategies.

Performance Standards

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs of the District. The basis used for performance evaluation may include, but not be limited to, comparisons to 91-day U.S. Treasury Bills, six-month U.S. Treasury Bills, the average Federal Funds rate, the Lehman bond index, and rates from investment pools.

Monitoring Market Prices

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done monthly or more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

Monitoring Rating Changes

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

Intellectual Property

All copyrights, trademarks, and other intellectual property rights belonging to the District shall remain with the District at all times. Except as provided by law, policy, or written authorization from the Superintendent, the use of District intellectual property shall be limited to District-related purposes.

Students

A student shall retain all rights to their own work created as part of instruction or using District technology resources.

Employees

District Ownership

As an agent of the District, an employee, including a student employee, shall not have rights to work ~~he or she creates~~created on District time or using District technology resources. The District shall own any work or work product created by a District employee in the course and scope of ~~his or her~~District employment, including the right to obtain patents or copyrights.

Employee Ownership

~~If the employee obtains a patent for such work, the employee shall grant a non-exclusive, non-transferable, perpetual, royalty-free, Districtwide license to the District for use of the patented work.~~ A District employee shall own any work or work product produced on ~~his or her own~~ personal time~~, away from his or her job~~ and with personal equipment and materials, including the right to obtain patents or copyrights.

~~*Permission*~~

~~*A District employee may apply to the*~~*Exception*

The Superintendent ~~or designee~~shall have the authority to permit use of District materials and equipment in ~~his or her creative~~ developing the employee's own projects, provided the employee agrees ~~either~~in writing to grant to the District a ~~non-exclusive, non-transferable~~nonexclusive, nontransferable, perpetual, royalty-free, Districtwide license to use the work, or permits the District to be listed as co-author or co-inventor if the District contribution to the work is substantial. District materials do not include student work, all rights to which are retained by the student.

~~Works Made for Hire~~

Independent Contractors

The District may hire an independent contractor for specially commissioned ~~work(s)~~works under a written works-made-for-hire agreement that provides that the District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

Return of Intellectual Property

Upon the termination of any person's association with the District, all permission to possess, receive, or modify the District's intellectual property shall also immediately terminate. All such persons shall return to the District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

Copyright

Unless the proposed use of a copyrighted work is an exception under the "fair use" guidelines maintained by the Superintendent ~~or designee~~, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder's work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

Technology Use

~~All persons are prohibited from using~~Use of District technology in violation of any law, including copyright law~~.~~, is prohibited. Only appropriately licensed images, applications, programs, or other software may be used with District technology resources. ~~No person shall use the~~The District's technology resources shall not be used to post, publicize, or duplicate information in violation of copyright law. The ~~Board shall direct the~~ Superintendent ~~or designee to~~shall employ all reasonable measures to prevent the use of District technology resources in violation of the law. ~~All persons~~Any person using District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CQ]

~~Electronic Media~~

~~Unless a license or permission is obtained, electronic media in the classroom~~Performances and Displays

The display and performance of copyrighted material, including motion pictures ~~and other audiovisual~~, dramatic works, ~~must be used in~~ musical performances, or other audio and visual works, may only occur as part of instructional activities and in accordance with the following:

- As a regular part of teaching and directly related to the ~~course of~~curriculum;
- During face-to-face teaching activities ~~as defined by law~~;
- When viewed in a classroom or designated place of instruction; and
- With a lawfully made copy or through authorized access.

Designated Agent

The District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent's identity. The District shall include on its ~~Web site~~website information on how to contact the District's designated agent and a copy of the District's copyright policy. Upon notification, the District's designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

If a content owner reasonably believes that the District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

Trademark

The District protects all District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

School-Related Use

The District grants permission to students, student organizations, parent organizations and other District~~ ~~affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a campus, or the District, if the use is in furtherance of a school-related business or activity. The Superintendent ~~or designee~~ shall determine what constitutes use in furtherance of a school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

Public Use

Members of the ~~general~~ public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without ~~the~~ written ~~permission of~~authorization from the Superintendent~~ or designee~~. Any production of merchandise with District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses District or campus trademarks without appropriate authorization ~~shall~~may be subject to legal action.

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action~~. [See CKE]~~ [see the CKE series];
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent ~~or designee~~.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and Nicotine Products and E-Cigarettes

~~An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]~~

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for

any felony, any offense involving moral turpitude, and any of the other offenses as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Felony possession or conspiracy to possess, or any misdemeanor or felony transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Felony driving while intoxicated (DWI); or
    - Acts constituting abuse or neglect under the Texas Family Code.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Dyslexia and Related Disorders

The District shall comply with all applicable state rules ~~and standards adopted by the State Board of Education and guidance published by the commissioner of education to implement the program to test~~regarding students ~~for~~with dyslexia and related disorders, including the "Dyslexia Handbook" and the provision of dyslexia instruction for students with dyslexia or a related disorder as determined by the student's admission, review, and dismissal committee.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the ~~assessment~~identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Identification Criteria

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

Selection

A ~~selection~~placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the ~~selection~~placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the ~~selection~~placement committee or a parent determines ~~it is in the best interest of the student to exit~~ the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the ~~selection~~placement committee regarding ~~selection for or exit from~~ services in the gifted and talented program. Appeals shall be made first to the ~~selection~~placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus im-

provement plans. The District shall include parents in the evaluation process and shall share the information with Board members, administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The ~~District's~~ Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program ~~shall address effective use of funds for programs~~are spent providing and ~~services consistent with the standards in the state plan~~enhancing the District's program and that a method accounting for expenditures related to the gifted and talented ~~students~~program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of ~~the Texas Department of Family and Protective Services (~~DFPS~~)~~ at ~~(~~800~~)~~ 252-5400 or the Texas Abuse Hotline ~~Website~~website[1];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus princi-

pal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

~~In accordance with state law, the~~The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

[1] Texas Abuse Hotline ~~Website~~website: http://www.txabusehotline.org

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products ~~and~~, e-cigarettes, or other electronic vaporizing devices on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Explanatory Notes
TASB Localized Policy Manual Update 124

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AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

At Alternative Management, new text has been included due to changes to the Administrative Code, which became effective September 10, 2024. At Training of Board of Managers, language has been added relating to training requirements for board members who are appointed to join a board of managers. New rules effective on September 18, 2024, regarding Special Program Performance Determination and cyclical monitoring have also been included. In addition, adjustments to margin notes have been made elsewhere in the policy.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

Language has been added at Compliance Monitoring Activities due to Administrative Code changes effective September 18, 2024. The new section at Supervision Under IDEA reflects recent amendments from the Administrative Code that outline TEA's procedures for investigating and issuing findings related to violations of the Individuals with Disabilities Education Act (IDEA).

CAA(LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS

Recommended revisions to this local policy at Federal Awards Disclosure are to align text with updated rules regarding federal grants found in the Code of Federal Regulations. This guidance became effective October 1, 2024, and is reflected in CBB(LEGAL). The phrase "or designee" is recommended for deletion throughout the policy, except in places where the designation of another individual could be in place of the superintendent or board president and not just the superintendent as is the case in most other policies.

Please note: The district's locally developed text at False Claims Act has been updated with the current hotline phone number for the Office of Inspector General. Please contact your policy consultant if you have any questions.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Extensive revisions and additions have been made to this legally referenced policy in light of updated rules about federal grants found in the Code of Federal Regulations, effective October 1, 2024.

CDA(LOCAL) OTHER REVENUES: INVESTMENTS

The section on Sellers of Investments is recommended for revision to specify that representatives with distributors of investment pools must be registered with the Texas State Securities Board, have membership in the Securities Investor Protection Corporation, and be in good standing with the Financial Industry Regulatory Authority. Distributors of investment pools must also be registered in good standing with the Municipal Securities Rulemaking Board.

Please note: The district's locally developed text throughout the policy remains unchanged.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

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CFA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

TEA's Financial Accountability System Resource Guide has been updated to version 19, and those updates were adopted by reference in the Administrative Code effective March 31, 2024. The guide's version number has been updated at Account System, Financial Accountability System Resource Guide.

CFC(LEGAL) ACCOUNTING: AUDITS

TEA's Financial Accountability System Resource Guide has been updated to version 19, and those updates were adopted by reference in the Administrative Code effective March 31, 2024. The guide's version number has been updated at Financial Accountability System Resource Guide. A reference to material in the Administrative Code has been included in the Financial Accountability Rating System (School FIRST) section of this policy.

CH(LEGAL) PURCHASING AND ACQUISITION

General provisions relating to interlocal contracts have been moved to GRB(LEGAL). Language specific to interlocal contracts used for purchasing remains in this legally referenced policy. A note has been added to assist readers in accessing additional provisions related to interlocal agreements.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

A section on Medical and Psychological Exams has been added under Required Policies due to policy adoption requirements found in Senate Bill 1445 (88th Regular Session). The Texas Commission on Law Enforcement (TCOLE) has created a model policy that police departments (not the school board) must adopt. The TCOLE model policy was made available in May 2024 with a September 1, 2024, deadline for law enforcement agencies to submit their policies.

CKEB(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

A new section on Psychological Fitness includes the requirements and processes outlined in Administrative Code rules to conform with changes to the Occupations Code made by Senate Bill 1445 (88th Regular Session). The new rules require TCOLE to adopt standards and procedures for the psychological examination of school marshal applicants, school marshal licensees, and school marshal licensees for whom there is reason to believe a new examination is necessary to ensure the individuals are able to perform the duties for which the school marshal license is required. There is also a clarification of the reporting requirements for school marshal appointing entities. A new reporting responsibility relating to psychological fitness has been included at District Responsibilities, and a new section at Fit for Duty Review has been added to reflect the new requirements from TCOLE.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

The revisions in this legally referenced policy reflect changes to federal rules related to child nutrition programs that became effective July 1, 2024.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

Substantial additions have been made at Conflicts of Interest to reflect rule amendments that became effective on October 1, 2024. A new section on Procurement Training has been added to comply with an addition to the Code of Federal Regulations, effective July 1, 2024.

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COB(LEGAL) FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

Revisions to this policy reflect amendments to federal rules, effective July 1, 2024, changing terminology from "meal supplements" to "afterschool snacks." At Community Eligibility Provision, the minimum identified student percentage has changed from 40 to 25 based on an amended rule effective October 26, 2023. This change will give states and schools more flexibility to offer meals to all enrolled students at no cost when financially viable. Reference links have also been updated.

Please note: If your district is participating in the Community Eligibility Provision or Special Assistance Provision 2 program, please review your COB(LOCAL). If the policy is missing language to address the program in place in your district, please contact your policy consultant.

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

The citation at item 48 under Other Required Internet Postings has been updated based on amendments to the Administrative Code.

CQC(LEGAL) TECHNOLOGY RESOURCES: EQUIPMENT

Under Transfer of Equipment to Students, a new subsection on Standards has been added based on guidance recently developed by TEA as required by House Bill 18 (88th Regular Session). The standards provide guidance to districts on what electronic devices and software applications are permissible for use in the district.

CV(LEGAL) FACILITIES CONSTRUCTION

A Note has been added on page 11 to direct readers to other policies related to interlocal contracts generally and interlocal contracts for purchasing good and services, based on organization of those provisions at different codes.

CY(LOCAL) INTELLECTUAL PROPERTY

Revisions are recommended throughout this local policy to clarify the circumstances under which the district's intellectual property may be used and where ownership of intellectual property lies when material is created by a district employee. Other recommended revisions clarify how district employees may use other copyrighted material, including copyrighted material used for performances and displays in instruction.

D(LEGAL) PERSONNEL

Provisions on genetic nondiscrimination, previously at DAB, have been moved to DAA, and policy DAB has been deleted. The D section table of contents has been revised to reflect that change.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

Changes have been made to comport with the new federal Pregnant Workers Fairness Act (PWFA) regulations, effective June 18, 2024.

Because the legal framework is being revised in light of the PWFA, we have taken the opportunity to significantly streamline content on employee nondiscrimination. Provisions regarding employee nondiscrimination were previously divided between DAA(LEGAL), addressing nondiscrimination in hiring and ending employment, and DIA(LEGAL), addressing nondiscrimination in terms, conditions, and privileges of employment. In order to minimize duplication of language and simplify the legally referenced materials, provisions regarding employment nondiscrimination have been moved to this code. Provisions relating to the

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Genetic Information Nondiscrimination Act (GINA) have also been moved to this legally referenced policy from DAB(LEGAL) to consolidate all nondiscrimination laws into one location.

DAB(LEGAL) EMPLOYMENT OBJECTIVES: GENETIC NONDISCRIMINATION

Provisions on genetic nondiscrimination have been relocated to DAA(LEGAL) for clarity and continuity, and policy DAB has been deleted. All employment-related nondiscrimination language is now consolidated into DAA(LEGAL).

DBB(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

The policy cross-reference at Genetic Information has been updated to DAA to conform with the recoding of the provision there.

DECA(LEGAL) LEAVES AND ABSENCES: FAMILY AND MEDICAL LEAVE

Cross-references to DAB regarding genetic nondiscrimination have been updated to DAA throughout to conform with provisions recoded at this update.

DECB(LEGAL) LEAVES AND ABSENCES: MILITARY LEAVE

Updated provisions have been included at Federal Military Leave to comport with the Civilian Reservist Emergency Workforce Act of 2022.

DG(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

A new section on Voting reflects existing provisions from the Election Code related to allowing employees time off to vote. This addition was suggested by a member of the Texas Council of School Attorneys, and we agreed it would be a helpful legal reference.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

The provisions addressing tobacco and e-cigarettes are recommended for revision to include nicotine products regardless of whether the product contains tobacco. This language aligns with the language included in the Model Employee Handbook.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

DI(LEGAL) EMPLOYEE WELFARE

Revisions at Reporting Workplace Violence reflect amended Administrative Code rules, which became effective January 8, 2024.

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

To eliminate duplication and reduce confusion, this legally referenced policy has been substantially revised to recode employee nondiscrimination provisions to policy DAA(LEGAL).

DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

Changes to the subsection on Gifted and Talented Education reflect Administrative Code amendments that became effective September 1, 2024.

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EC(LEGAL) SCHOOL DAY

At Pledges of Allegiance, a cross-reference has been added to policy FNA for additional information on patriotic observances.

EFB(LEGAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

The Note at the beginning of this legally referenced policy has been deleted, as all deadlines to appeal in the *Book People, Inc. v. Wong* case have passed and the injunction put in place by the Fifth Circuit Court of Appeals is now permanent. Other citations to the case have been amended accordingly. Also, the statutory definition of "obscene" has been included in this policy as a legal reference.

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

The Education Code requirement to obtain written consent of a student's parent before the student may be provided with human sexuality instruction expired on August 1, 2024. The expired subsection has been removed from this legally referenced policy. TEA has issued guidance about this change. Districts are encouraged to clarify local expectations for parental consent regarding human sexuality instruction in their local student handbook.

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

Several revisions have been made to the Middle School Advanced Math Program section based on new Administrative Code rules, effective July 8, 2024. In the CPR and AED Instruction section, revisions regarding the applicability of the requirements have been made based on rule changes effective August 1, 2024.

EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

This policy includes substantial revisions, most of which are the result of amended Administrative Code rules effective June 30, 2024. At Parental Notice of Assistance for Learning Difficulties, a phrase has been added to item 3e to clarify the content in the cited Education Code provision. A new section with Definitions now found in the Administrative Code has been added. The provisions at Board Action Required and Screening, Testing, and Identification have been updated. Extensive edits at Parent Education are due to revisions from the Administrative Code. Changes include a new paragraph on Instruction and deletion of text related to a dyslexia reading program.

EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

Recommended revisions to this local policy on Special Programs reflect updated Administrative Code rules addressing dyslexia and related disorders, specifically inclusion of references to the *Dyslexia Handbook* and admission, review, and dismissal (ARD) committee decisions.

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

Extensive revisions to this legally referenced policy have been made as a result of Administrative Code revisions, effective August 22, 2024. A section on Policies, Procedures, Programs, and Practices has been added, as have provisions addressing Interventions and Sanctions to identify potential consequences for IDEA violations. The paragraph addressing discipline has been removed as the text is no longer in the Administrative Code. The text addressing Instructional Arrangements and Settings includes revisions throughout all subsections, and revisions have also been made to the provisions regarding Other Program Options, Contracts for Services, and Instructional Day. A reference to the applicable Administrative Code provision has been added at Extended School Year Services.

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EHBAA(LEGAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

Substantial additions and amendments throughout this legally referenced policy reflect changes to the Administrative Code, effective July 30, 2024. A Student Communication section regarding student evaluation for special education has also been added. The Eligibility and Reevaluations section now includes a Birth Through Age Two subsection to conform to Administrative Code rules.

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

Changes to the Administrative Code resulted in updates throughout this legally referenced policy. Details related to the responsibilities of the admission, review, and dismissal committee have been added, and a provision relating to dyslexia is included in the section about Committee Members. Parent Participation includes revisions that became effective July 30, 2024, and a provision on Content of the IEP has been added. Revisions at Supplemental Special Education Services became effective May 28, 2024. Dyslexia and autism components have been amended, along with the Visual Impairment or Hard of Hearing section. Failure to Reach Agreement has also been amended to increase clarity around requirements. Finally, a section addressing the Eligibility Folder has been added and Teacher Access to IEP amended.

EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

Residential Facilities has been revised in accordance with Administrative Code amendments, effective on August 22, 2024. A reference to the Administrative Code at District Placements points readers to an amended rule regarding the district's ability to contract with a nonpublic or nondistrict operated day program provider. An update at School for the Blind and Visually Impaired and School for the Deaf reflects revisions to the Administrative Code effective August 22, 2024.

EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

Significant revisions at Individual Transition Planning are due to Administrative Code changes effective July 30, 2024. A new subsection on the Transition and Employment Designee required of each district has been added in accordance with rule changes that became effective August 22, 2024.

EHBAE(LEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS

The Prior Notice and Consent section includes provisions to align with revisions to the Administrative Code, effective July 30, 2024. Substantial revisions at Transfer of Rights to Adult Students are to clarify requirements in the Administrative Code.

EHBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Administrative Code rules regarding gifted and talented students were amended to be effective September 1, 2024. Changes have been made throughout this legally referenced policy to align with the new rules and to clarify requirements.

EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Changes to the Texas State Plan for the Education of Gifted/Talented Students, approved by the State Board of Education in September 2024, prompted updates in terminology throughout this local policy. Recommended revisions at Funding are to align the text with requirements in the Education Code and in Administrative Code rules.

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EHBCA(LEGAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION

Revisions at Accelerated Instruction reflect changes to the Administrative Code, effective May 22, 2024. A new section at Significantly Below Satisfactory has been included in accordance with Administrative Code revisions. Sections on Repeating a High School Course and Ratio Waiver have also been added due to the revised regulatory guidance.

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Administrative Code revisions that became effective June 9, 2024, prompted several changes to this legally referenced policy. The subsection relating to Eligibility for high-quality prekindergarten programs has been amended. The eligibility requirements are the same as those listed earlier in the policy for tuition-free prekindergarten. Rule changes also required other revisions throughout the policy, including to Teacher Requirements and Supervisor Requirements.

EHDD(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

A rewriting of Administrative Code rules, effective May 16, 2024, led to substantial revisions at Dual Credit Programs and at Dual Credit Agreement. The Administrative Code was amended in a way that allowed deletion of the Education Code requirements regarding agreements, as all requirements are now consolidated in one list at Dual Credit Agreement. Provisions addressing the FAST Program have also been amended to reflect revisions to Administrative Code rules.

EI(LEGAL) ACADEMIC ACHIEVEMENT

Language relating to instruction in the use of an automated external defibrillators (AED) has been added to the subsection on CPR, pursuant to revisions in the Administrative Code, effective August 1, 2024.

EIE(LEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

At Parental Option to Retain, a subsection on Passing Grades has been added to clarify the legal standard for assignment of grades when a course is retaken after a passing grade.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

A reference has been included in this policy pointing to the Administrative Code rule for further details relating to specific endorsements, including the STEM endorsement, that became effective August 1, 2024. Provisions addressing Physical Education and Other Physical Education Activities have been clarified to align with rule amendments effective August 1, 2024.

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

Revisions throughout the policy reflect amended Administrative Code rules, effective September 24, 2024, and the provisions have been reorganized for clarity and ease of reading.

ELA(LEGAL) CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

An expired Administrative Code provision addressing partial year as it relates to charter partnerships has been deleted. Administrative Code changes, effective March 26, 2024, also resulted in the removal of a provision regarding appeals of a decision made by TEA to deny, remove, or return an eligibility approval request.

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FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

The subsection previously titled Threat Assessment Team has been revised to include "Safe and Supportive Schools" to align with terminology used by TEA.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

The Definitions section of this legally referenced policy has been revised to better define Child Abuse and Neglect by including detailed language from the Family Code.

FFG(LOCAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Under Reporting Child Abuse and Neglect, a new subsection on Oral Reports is recommended to comply with revisions to the Family Code and Administrative Code. Recommended revisions at Making a Report are to clarify new requirements in the Education Code stating that reporting individuals must provide their name and contact information when making a report. The policy still states that the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law.

FFH(LEGAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been updated to remove an editor's note that is no longer applicable since a Texas federal court enjoined the Office for Civil Rights from enforcing this interpretation of the Title IX rules in June 2024. Policy Service issued a Policy Alert notifying districts of this change in July 2024.

FM(LEGAL) STUDENT ACTIVITIES

In the UIL Allotment section, a robust Definitions section has been added in accordance with revisions to Administrative Code rules, effective on August 4, 2024.

FNA(LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION

Under Patriotic Observances, a reference to policy EC has been added to provide additional information regarding pledge of allegiance requirements.

FOF(LEGAL) STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

A paragraph regarding the discipline of students with disabilities been removed from the Students Receiving Special Education Services section due to amendments to the Administrative Code that became effective July 30, 2024.

GA(LEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

New provisions addressing Web Content and Mobile App Accessibility have been added based on revisions found in the Code of Federal Regulations.

GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Recommended language prohibiting electronic vaporizing devices has been added to the Tobacco and E-Cigarettes section of this local policy.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

Alief ISD

GRB(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS

Revisions to this legally refenced policy are based on the requirements of the Interlocal Cooperation Act. Details that were formerly in CH(LEGAL) have been recoded here to ensure all general interlocal agreement requirements are consolidated into one location. A citation to CNA(LEGAL) has been added to point readers to additional information relating to the operation of a transportation system.

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Tax Collection Reports

Attached is correspondence regarding tax collections and disbursements for the month of February, 2025 along with year-to-date collection and disbursement summaries.

Recommendation: It is recommended that the Board of Trustees of the Alief Independent School District consider approval of the tax collection report and disbursements for the month of February, 2025.

Dr. Anthony Mays
Superintendent

Charles Woods
Deputy Superintendent/Business Services

ALIEF INDEPENDENT SCHOOL DISTRICT
TAX OFFICE REPORT
February 1 - February 28, 2025
TAX ACCOUNT

Balance January 31, 2025			**$ 1,116,330.52**
Collections			
Current Collections	$ 5,075,457.85		
Prior Years Collections	242,220.97		
Penalty & Interest	246,803.77		
Additional Penalty (Atty Fees)	65,607.87		
Duplicate/Overpay **(OP)**	66,920.94		
Over/Under	15.96		
Tax Certificates	10.00		
Substantial Error Penalty	-		
Late Rendition Penalty	10,035.98		
Funds Held			
Funds Held Uncertified	2,369.66		
Taxpayer Refund **(EP)**	(13,826.91)		
2023 Escrow			
2024 Escrow	4,293.31		
Excess Proceeds	-		
Returned Check Fee **(Bad Check)+**Stop Payment Fee **(Reissue Check)**	350.00		
Prior Year Insufficient Checks/Erroneous Pymt	-		
Outstanding Checks Voided	-		
Fed. Funds Addicks Barker Dam	-		
CED/ Prior Years Collections	-		
CED Penalty & Interest	-		
Bank Interest	5,256.63		
Special Inventory			
Total Collections			**5,705,516.03**
Funds Transferred			
Funds Held Transferred		$ (29,370.79)	
Uncertified Funds Held Transferred			
2024 Escrow Transferred		-	
Total Funds Transferred			**$ (29,370.79)**
Disbursements			
Transferred to Local Maintenance		$ (3,567,451.50)	
Transferred to Interest & Sinking		$ (839,161.31)	
Checks Issued for Overpayments **(OP**)		$ (66,920.94)	
Checks Issued for Refunds on Paid Items **(CS & REF)**		$ (1,233,366.62)	
Reissue Voided Checks **(RI)**		$ (11,734.92)	
Checks Issued for Excessive Overpayments **(EP)**		$ (4,063.55)	
HCAD Rendition Penalty **(RN)**		$ (495.67)	
Deposit Bank Bag Fee/Printing			
Stop Payment Charge			
Total Disbursements			**(5,723,194.51)**
Balance as of February 28, 2025			**$ 1,069,281.25**

Year	Certified Levy	Adj. to Date	Adjusted Levy	Coll. To Date	% Coll.
2024	$ 180,459,010.07	$ 20,977,024.04	$ 201,060,572.61	$ 190,986,997.62	94.99%
Refunds due to HCAD Adjustments				(495.67)	
				$ 190,986,501.95	
Prior year collection percentage today					94.00%

ALIEF INDEPENDENT SCHOOL DISTRICT
DELINQUENT TAX COLLECTIONS BY YEAR FOR 1993 to 2023
YEAR TO DATE February 28, 2025

Year	Tax Amount	Coll. To Date	Refunds	Adj. To Date	Bal To Date
1992 CED	$ -		$ -	$ -	$ -
1991 CED	-		-	-	-
CED Total	**-**	**-**	**-**	**-**	**-**

Year	Tax Amount	Coll. To Date	Refunds	Adj. To Date	Bal To Date
2023	**$ 2,920,288.17**	**$ (1,325,615.95)**	**$ 144,885.06**	**$ 17,725.53**	**$ 1,757,282.81**
2022	1,268,520.90	(195,532.81)	(86,696.05)	122,026.24	1,108,318.28
2021	723,600.97	(70,981.91)	(134,187.41)	148,484.78	666,916.43
2020	632,866.76	(31,815.70)		11,316.83	612,367.89
2019	495,127.52	(23,982.25)		6,607.30	477,752.57
2018	490,927.06	(8,223.69)		465.81	483,169.18
2017	547,530.71	(7,252.86)		103.23	540,381.08
2016	364,071.43	(6,192.12)		441.44	358,320.75
2015	401,769.69	(3,145.53)		30.79	398,654.95
2014	396,799.01	(1,032.26)		31.25	395,798.00
2013	97,067.52	(706.40)		(13.37)	96,347.75
2012	65,029.77	(479.09)			64,550.68
2011	63,168.49	(602.98)			62,565.51
2010	53,662.11	(1,314.14)			52,347.97
2009	45,373.54	(757.56)			44,615.98
2008	42,902.96	(925.09)			41,977.87
2007	34,568.84	(1,113.42)			33,455.42
2006	31,110.69				31,110.69
2005	15,871.79				15,871.79
2004	9,588.19				9,588.19
2003	3,984.45				3,984.45
2002	3,650.41				3,650.41
2001	3,377.20				3,377.20
2000	137.60				137.60
1999	445.59				445.59
1998	616.92				616.92
1997	535.34				535.34
1996	705.29				705.29
1995	573.04				573.04
1993	994.21				994.21
Alief ISD Total	8,714,866.17	(1,679,673.76)	(75,998.40)	307,219.83	7,266,413.84

GRAND TOTAL	$ 8,714,866.17	$ (1,679,673.76)	$ (75,998.40)	$ 307,219.83	$ 7,266,413.84

ALIEF INDEPENDENT SCHOOL DISTRICT
REFUNDS - 2024 TAX YEAR
YEAR TO DATE Februry 28, 2025

Refunds On Taxes Paid in Current Year

Year	Tax Amount	Pen	Int	Add'l Pen	SE Pen	Interest Pd	Rendition Penalty	Total
2024	**376,200.67**						**11.34**	**$ 376,212.01**
2023	86.54	9.28	6.02	15.42				117.26
2022								-
2021								-
2020								-
2019								-
2018								-
2017								-
2016								-
2015								-
2014								-
2013								-
2012								-
2011								-
2010								-
2009								-
2008								-
2007								-
2006								-
2005								-
2004								-
2003								-
2002								-
2001								-
2000								-
1999								-
1998								-
TOTALS	**376,287.21**	**9.28**	**6.02**	**15.42**	**-**	**-**	**11.34**	**376,329.27**

Refunds On Taxes Paid Prior to September 1, 2024

Year	Tax Amount	Pen	Int	Add'l Pen	SE Pen	Interest Pd	Rendition Penalty	Total
2023	**3,516,516.01**	**3,152.22**	**1,726.78**	**3,792.50**			**1,138.50**	$ 3,526,326.01
2022	$ 347,278.65	$ 1,034.86	$ 1,014.44	$ 1,573.17			$ 2,247.15	$ 353,148.27
2021	30,405.45	145.27	310.74	331.48			542.98	31,735.92
2020	2542.85	2.90	6.29	6.68			2.20	2,560.92
2019	9,510.26							9,510.26
2018								-
2017								-
2016								-
2015	186.01	22.78	47.48	52.03			18.60	326.90
2014								-
2013								-
2012								-
2011								-
2010								-
2009								-
2008								-
2007								-
2006								-
2005								-
2004								-
2003								-
2002								-
2001								-
2000								-
1999								-
1998								-
TOTALS	**$ 3,906,439.23**	**$ 4,358.03**	**$ 3,105.73**	**$ 5,755.86**	**$ -**	**$ -**	**$ 3,949.43**	**$ 3,923,608.28**

GRAND TOTAL	**$ 4,299,937.55**

ALIEF INDEPENDENT SCHOOL DISTRICT
2024 TAX YEAR (SEPTEMBER 1, 2024 TO AUGUST 31, 2025)
COLLECTION REPORT AS OF October 31, 2024

Balance AUGUST 31, 2024			**$ 1,105,774.93**
Collections			
Current Collections	190,986,997.62		
Prior Years Collections	1,746,208.42		
Penalty & Interest	608,346.76		
Additional Penalty	404,785.20		
Overpayments	66,920.94		
Overage/Shortage	404.62		
Tax Certificates	20.00		
Substantial Error Penalty	-		
Rendition Penalty **(LR)**	63,254.57		
Funds Held			
Funds Held Uncertified	2,369.66		
Excessive Overpayment	-13,826.91		
2024 Escrow	56,659.24		
2023 Escrow	-		
Excess Proceeds	-		
Returned Check Fee/Stop Payment Charge	475.00		
Prior Year Insufficient Checks/Erroneous Pymt	-		
Outstanding checks voided	-		
Fed. Funds Addicks Barker Dam			
CED Prior Years Collections	-		
CED Penalty & Interest	-		
Bank Interest	12,321.56		
Special Inventory	-		
Total Collections			**193,934,936.68**
Funds Transferred			
Funds Held Transferred		$ (29,370.79)	
Uncertified Funds Held Transferred		(108.18)	
2023 Escrow Applied		-	
Total Funds Transferred			**(29,478.97)**
Disbursements			
Local Maintenance		$ (152,381,595.33)	
Interest & Sinking		(37,048,197.67)	
Overpayments **(OP's)**		(89,473.29)	
Refunds **(CS & REF)**		(4,299,937.55)	
Reissue Voided Checks **(RI's)**		(11,845.31)	
NSF checks		-	
Excessive Payment **(EP's)**		(101,244.05)	
HCAD Rendition Penalty **(RN)**		(9,658.19)	
Deposit Bank Bag Fee/Printing		-	
Stop Payment Charge		-	
Total Disbursements			**(193,941,951.39)**
Account Balance February 28, 2025			**$ 1,069,281.25**

ALIEF INDEPENDENT SCHOOL DISTRICT
CHECKS ISSUED OVER $500
2/28/2025

DATE	NAME	CODE		AMOUNT
2/28/2025	WESTHEIMER VILLAS PARTNERS LTD	CS	53160	27,767.97
2/28/2025	WESTHEIMER VILLAS PARTNERS LTD	CS	53161	22,861.61
2/28/2025	WELLS FARGO BANK NA	CS	53162	1,414.96
2/28/2025	GALAXY DIAMOND INC	CS	53163	23,969.74
2/28/2025	VH & NH LLC	CS	53164	3,180.27
2/28/2025	SUNBLOSSOM WOODS LP	CS	53165	15,547.39
2/28/2025	ASHFORD COURT APTS LLC	CS	53239	49,727.50
2/28/2025	ALWIN CORPORATION	CS	53240	2,117.87
2/28/2025	GILLMAN REAL ESTATE LLC	CS	53241	8,308.37
2/28/2025	GILLMAN REAL ESTATE LLC	CS	53242	17,819.13
2/28/2025	PRINCEVILLE PROPERTIES LTD (CASA NUBE	CS	53243	29,760.15
2/28/2025	STORAGE TRUST PROPERTIES	CS	53250	2,140.78
2/28/2025	RMC REAL ESTATE LLC	CS	53251	10,282.56
2/28/2025	WESTWOOD HOUSTON OWNER LLC	CS	53252	90,926.61
2/28/2025	SUNBLOSSOM COTTAGES LTD	CS	53254	27,522.54
2/28/2025	AK VENTURES LTD	CS	53255	29,392.94
2/28/2025	LEGACY AT WESTCHASE APARTMENTS LLC	CS	53256	33,530.01
2/28/2025	PARK PLAZA APARTMENTS LLC	CS	53257	6,835.80
2/28/2025	FINLEY GREEN APARTMENTS INVESTORS LP	CS	53258	28,403.26
2/28/2025	GRAND WESTCHASE LLC	CS	53259	21,132.17
2/28/2025	COLUMBIA TEXAS WESTCHASE PARK LAND LL	CS	53260	193,548.69
2/28/2025	COLUMBIA TEXAS WESTCHASE	CS	53261	170,093.54
2/28/2025	MRR APARTMENTS LLC	CS	53262	21,518.96
2/28/2025	MURPHY DLP CORP	CS	53264	856.87
2/28/2025	O S INTERIOR SYSTEMS INC	CS	53266	7,022.51
2/28/2025	APTWO LLC	CS	53267	34,209.99
2/28/2025	APTVC LLC	CS	53268	19,084.37
2/28/2025	MAR DE SOL 2021 LLC	CS	53269	19,762.93
2/28/2025	HOUSTON SELF-STORAGE PORTFOLIO III DS	CS	53270	3,366.32
2/28/2025	UA WATERFALL APARTMENT LLC	CS	53271	32,543.18
2/28/2025	WALNUT BEND HOLDINGS LLC	CS	53272	1,249.87
2/28/2025	APTS LLC	CS	53273	15,502.55
2/28/2025	DUONG IMPORT INC	CS	53276	13,834.07
2/28/2025	CSW BELTWAY 8 LLC	CS	53277	24,795.77
2/28/2025	GG PROPERTIES LLC	REF	53279	733.32
2/28/2025	SOUTHBOUND VENTURES LLC	REF	53281	1,300.89
2/28/2025	HYDERABAD MALL LLC	REF	53282	7,238.50
2/28/2025	39BENTON REAL ESTATE LLC	REF	53283	1,416.07
2/28/2025	STALLWORTH CORNELL	REF	53288	769.20
2/28/2025	WELLS JENNIFER ERIN & JAMAL CHANNON	REF	53289	1,047.60
2/28/2025	TREVINO-MORENO ELY A	REF	53291	1,047.60
2/28/2025	GARCIA ELUID	REF	53292	567.36
2/28/2025	GARCIA ELUID	REF	53293	523.80
2/28/2025	BENNICK G BRUCE	REF	53296	699.15
2/28/2025	NGUYEN KIEU THI MY & NGHIA QUANG	REF	53298	1,047.60
2/28/2025	JUAREZ ROSA M & RENE	REF	53299	538.03
2/28/2025	JUAREZ ROSA M & RENE	REF	53300	2,314.06
2/28/2025	PHAN VAN P	REF	53301	523.80
2/28/2025	MENDOZA ADRIAN & DINMA	REF	53302	735.32
2/28/2025	MENDOZA ADRIAN & DINMA	REF	53303	1,447.44
2/28/2025	MENDOZA ADRIAN & DINMA	REF	53304	1,550.70
2/28/2025	AREVALO NELSON I	REF	53306	1,047.60
2/28/2025	PHAM THUY THANH THI	REF	53310	1,055.77
2/28/2025	PHAM THUY THANH THI	REF	53311	1,047.60
2/28/2025	LE DI VAN & KHOI NGUYEN	REF	53314	646.00
2/28/2025	ANSON JENNY C	REF	53315	3,340.98
2/28/2025	MENESES RIGOBERTO P	REF	53318	998.99
2/28/2025	MENESES RIGOBERTO P	REF	53319	1,047.60
2/28/2025	NGUYEN ANGELA	REF	53321	895.48
2/28/2025	ROMERO NOEL & TOMASA	REF	53324	698.22
2/28/2025	FLORES JOSE G	REF	53326	1,078.88
2/28/2025	FLORES JOSE G	REF	53327	1,047.60
2/28/2025	CRUZ TERESA JAZMIN	REF	53330	986.70
2/28/2025	CRUZ TERESA JAZMIN	REF	53331	1,047.60
2/28/2025	MATOS-MARQUEZ MAIKEL	REF	53333	1,157.26
2/28/2025	MATOS-MARQUEZ MAIKEL	REF	53334	1,047.60
2/28/2025	JFB INVESTMENTS	REF	53336	517.45
2/28/2025	NGUYEN THIN	REF	53338	1,047.60
2/28/2025	ROBLES MIREYDA A	REF	53339	1,047.60
2/28/2025	NGUYEN HA THU	REF	53341	1,292.00
2/28/2025	OJO BEATRICE	REF	53343	1,550.01

2/28/2025	OJO BEATRICE		REF	53344	1,330.36
2/28/2025	BONILLA JUAN F & REINA		REF	53345	1,971.82
2/28/2025	BONILLA JUAN F & REINA		REF	53346	1,228.09
2/28/2025	TRAM DUC BOI		REF	53347	941.40
2/28/2025	PHAN BAU		REF	53348	3,450.88
2/28/2025	RIVAS BLANCA		REF	53349	1,047.60
2/28/2025	LOPEZ JOSE B		REF	53350	726.10
2/28/2025	SIMS SUSAN J		REF	53354	598.78
2/28/2025	CARTER CARRIE		REF	53356	1,292.01
2/28/2025	NGUYEN LOAN THI KIM		REF	53357	1,397.16
2/28/2025	NGUYEN LOAN THI KIM		REF	53358	1,047.60
2/28/2025	MENJIVAR VICTOR A		REF	53359	1,047.60
2/28/2025	WOOTEN DAVID A		REF	53360	735.33
2/28/2025	WOOTEN DAVID A		REF	53361	1,297.48
2/28/2025	LI ZHENWEI		REF	53363	1,047.60
2/28/2025	REIMER JAY B		REF	53364	2,335.90
2/28/2025	ROSAS SERGIO		REF	53368	986.70
2/28/2025	ROSAS SERGIO		REF	53369	1,047.60
2/28/2025	BONILLA HELTON & LAURA		REF	53370	1,047.60
2/28/2025	LU SONGPING		REF	53372	1,105.45
2/28/2025	HA KHANH L & LE LAN HUONG		REF	53373	1,206.97
2/28/2025	NGUYEN THI THUY T		REF	53376	1,047.60
2/28/2025	NGUYEN KEVIN T		REF	53381	1,475.97
2/28/2025	RIOS MARTINA		REF	53382	1,064.45
2/28/2025	ZAVALA FREDITH		REF	53385	705.97
2/28/2025	PHU THANH QUOC		REF	53388	1,136.41
2/28/2025	SOLIZ ELI		REF	53393	526.23
2/28/2025	LUU T MAI REVOCABLE LIVING TRUST		REF	53396	1,047.60
2/28/2025	JOHNSON MERANZO C		REF	53399	1,670.99
2/28/2025	DU MIKE & NGO BINH		REF	53402	735.33
2/28/2025	DU MIKE & NGO BINH		REF	53403	1,579.58
2/28/2025	DU MIKE & NGO BINH		REF	53404	1,580.86
2/28/2025	ALVAREZ CARMEN V & TERESA		REF	53407	624.10
2/28/2025	KONG KAM-JUI		REF	53411	768.21
2/28/2025	RAO MANOHAR P		REF	53412	730.48
2/28/2025	JOYA NORMA A		REF	53413	1,047.60
2/28/2025	DANG THUY		REF	53416	1,047.60
2/28/2025	NURANI ALTAFALI AMIRALI		REF	53418	1,047.60
2/28/2025	BHR INVESTMENT PARTNERS LP		REF	53419	1,535.57
2/28/2025	TELUFUSI LARRY		REF	53423	650.70
2/28/2025	FLORES HAZEL		REF	53426	1,047.60
2/28/2025	TRAN KENSON PHUHOA		REF	53427	620.17
2/28/2025	PEACOCK JOHNNY		REF	53428	786.80
2/28/2025	PEACOCK JOHNNY		REF	53429	2,744.28
2/28/2025	PEACOCK JOHNNY		REF	53430	2,634.43
2/28/2025	THIAGARAJAN DHANALAKSHMI		REF	53431	834.03
2/28/2025	DAVILA NORMA G		REF	53432	1,003.60
2/28/2025	COLES OTIS CALVIN III		REF	53434	8,970.18
2/28/2025	MODUPE MUBO		REF	53435	1,292.00
2/28/2025	OBRIEN KIERAN PHILIP & LEANNE NAWROT		REF	53436	986.70
2/28/2025	OBRIEN KIERAN PHILIP & LEANNE NAWROT		REF	53437	1,047.60
2/28/2025	LU CHRISTOPHER		REF	53438	1,018.94
2/28/2025	LU CHRISTOPHER		REF	53439	1,047.34
2/28/2025	DELLOGLIO HUGO L & DARLEY C		REF	53440	1,292.01
2/28/2025	COKLEY CHRISTOPHER J & RAELETTE R		REF	53441	2,461.86
2/28/2025	BAKER MARK		REF	53443	768.00
2/28/2025	HP BROOKLET LLC		REF	53446	3,142.86
2/28/2025	RAMIREZ ARTURO S		REF	53447	612.44
2/28/2025	CUMUROVIC HARIZ & ALMA		REF	53448	722.20
2/28/2025	ATEYEV MAXAT		REF	53449	1,422.63
2/28/2025	LEE KANG KIM		REF	53453	1,042.30
2/28/2025	TEJADA RAMON LOMELI		REF	53455	1,049.76
2/28/2025	TEJADA RAMON LOMELI		REF	53456	1,047.60
2/28/2025	TRAN LUONG SANG		REF	53458	1,047.60
2/28/2025	VY HA		REF	53459	1,047.60
2/28/2025	KM WEST PARK LLC		REF	53460	2,023.82
2/28/2025	KM WEST PARK LLC		REF	53461	1,630.61
2/28/2025	MEADOWS RYAN J		REF	53462	523.80
2/28/2025	HOU CHIA-YI		REF	53464	884.01
2/28/2025	PHAN GIAO NGOC QUYNH		REF	53465	757.72
2/28/2025	TAM ANGELA		REF	53466	574.44
2/28/2025	JOSEPH PIERRE GENS		REF	53467	1,047.60
2/28/2025	DIAZ DAMIANA ESPERANZA		REF	53469	1,456.36
2/28/2025	DIAZ DAMIANA ESPERANZA		REF	53470	1,047.60
2/28/2025	AGHAIE DANIEL		REF	53472	712.44
2/28/2025	FURCH WILLIAM K		REF	53473	1,047.60
2/28/2025	THOMPSON AISHA		REF	53476	1,196.59

2/28/2025	THOMPSON AISHA		REF	53477	1,047.60
2/28/2025	NAVORRO MARIA P P		REF	53478	2,080.95
2/28/2025	NAVORRO MARIA P P		REF	53479	1,404.51
2/28/2025	NAVORRO MARIA P P		REF	53480	1,757.64
2/28/2025	TOMMY MOSS FAMILY PARTNERSHIP LTD		REF	53482	1,283.94
2/28/2025	DU YUNZHANG		REF	53483	1,047.60
2/28/2025	MITCHELL BECKY O		REF	53484	1,485.56
2/28/2025	BARGHPEYMA SHIMA		REF	53485	986.70
2/28/2025	BARGHPEYMA SHIMA		REF	53486	1,047.60
2/28/2025	YORBANIS TAMAYO QUESADA		REF	53488	785.84
2/28/2025	BISSONNET SHOPPING PLAZA LP		REF	53489	5,193.59
2/28/2025	LOPEZ CARMEN		REF	53493	1,619.16
2/28/2025	LOPEZ CARMEN		REF	53494	1,638.61
2/28/2025	HADNOT-CRUSE BARBARA N		REF	53495	1,370.22
2/28/2025	PHUNG ANNIE H		REF	53497	2,709.93
2/28/2025	PHUNG ANNIE H		REF	53498	2,162.97
2/28/2025	BP & KT PROPERTIES LLC		REF	53499	1,035.87
2/28/2025	KORTEX LP		REF	53500	1,341.65
2/28/2025	TEXAS HILLCROFT PARTNERSHIP LP		REF	53501	1,504.08
2/28/2025	WBM INVESTMENTS LLC		REF	53502	1,072.50
2/28/2025	KIMTON LLC		REF	53503	3,836.91
2/28/2025	HAN AND SONS LLC		REF	53504	1,194.49
2/28/2025	TEXAS HILLCROFT PARTNERSHIP LP		REF	53505	524.51
2/28/2025	ALDI		REF	53516	520.00
2/28/2025	TRADER JOES' #143100		REF	53519	970.65
2/28/2025	MARVIL A MARTINEZ CABREJA		REF	53522	1,151.21
2/28/2025	NAKAYAMA YUMIKA		EP	53536	1,169.80
2/28/2025	GLESBY-MARKS LTD		EP	53541	681.42
2/28/2025	CORELOGIC CENTRALIZED REFUND		OP	53552	1,428.49
2/28/2025	CORELOGIC CENTRALIZED REFUNDS		OP	53556	2,731.36
2/28/2025	CORELOGIC		OP	53557	2,742.86
2/28/2025	CORELOGIC CENTRALIZED REFUNDS		OP	53558	1,118.44
2/28/2025	HOANG THI NHAN		OP	53560	2,129.08
2/28/2025	CORELOGIC CENTRALIZED REFUNDS		OP	53562	878.27
2/28/2025	FORESTEEN MILLER COREY 2012 TRUST		OP	53563	13,458.70
2/28/2025	AUTO MALL 59		OP	53565	3,606.65
2/28/2025	DISCOUNT AUTO BROKERS LLC		OP	53568	2,617.28
2/28/2025	GREENWAY MAZDA		OP	53570	33,673.28
2/28/2025	AMHERST LAND LP		RI	53574	4,873.41
2/28/2025	AMHERST LAND LP		RI	53575	3,511.52
2/28/2025	RODRIGUEZ JOSE		RI	53576	565.39
2/28/2025	RODRIGUEZ JOSE		RI	53577	923.91
2/28/2025	RODRIGUEZ JOSE		RI	53578	1,860.69
2/28/2025	HCAD		RN	53579	495.67

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Budget Update

The Finance Department will present 2025-26 budget information including staffing and compensation plan changes and Food Service Projections for 2024-25 and 2025-26 Budget. An update of the 89th Legislative Session will be provided.

Recommendation: Report item – no action required.



Dr. Anthony Mays
Superintendent



Charles Woods
Deputy Superintendent/Business Services



10.1.

Budget and Legislative Update

April 15, 2025

Dr. Emily Littlefield, CFO/Business Services

Charles Woods, Deputy Superintendent

Alief Independent School District
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Agenda

10.1 Budget and Legislative Updates

Texas School Funding

- Career & Technical Education
- College, Career, Military Readiness Bonus

Budget Update

- 2024-25 General Fund Projections
- 2025-26 General Fund Budget Projections
- Focus on Certified Teachers
- Insurance Comparison
- Compensation and Staffing Plan Summary

Legislative Update

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Texas School Funding

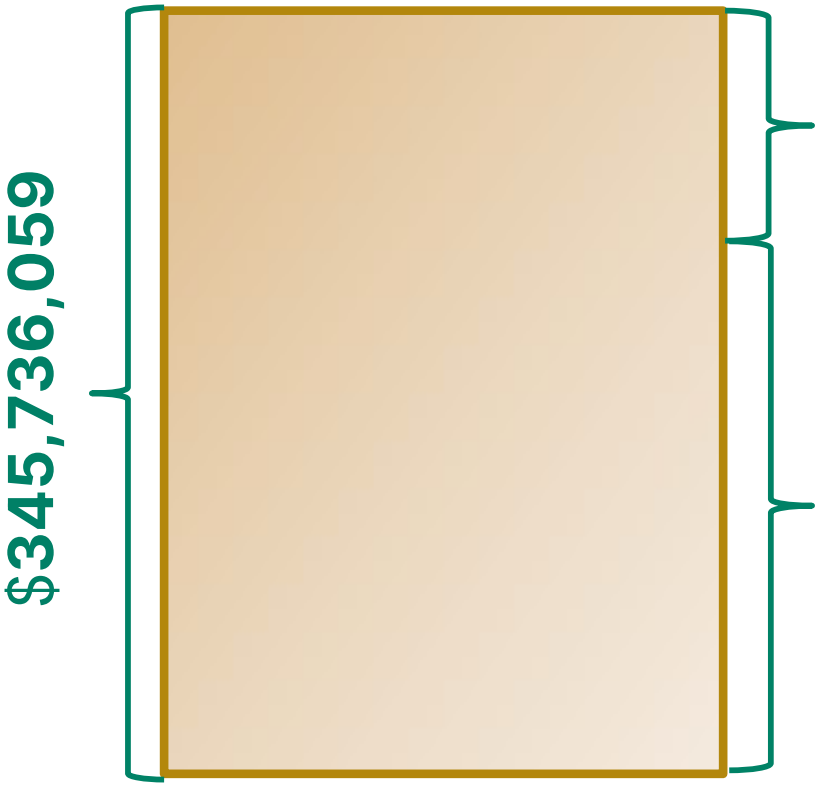
Tier I Funding

851

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Tier I “Filling the Bucket”

Basic Allotment $6,160 Per ADA



852

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Texas School Funding

Career & Technical Education

853

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Career & Technical Education

Career & Technical Education (CTE) courses and programs are designed to enable students to gain entry-level employment in high skill, high wage jobs, continue their education, or both.



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Career & Technical Education

CTE allotment is based on the ADA of students enrolled in CTE courses. CTE is funding is based on a tier system and weighted funding for each tier. The funding weights range from 1.10 to 1.47.

CTE Allotment = Basic Allotment X Tier multiplier X CTE ADA in Tier



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Career & Technical Education

- The number of CTE FTEs is subtracted from the regular program ADA
- The district receives $50 for each ADA enrolled at a P Tech campus
- Required direct spend – 55% of allotment



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Career & Technical Education

• Tier I	- 1.10	57.29 ADA
• Tier II	- 1.28	1,235.31 ADA
• Tier III	- 1.47	858.93 ADA

Career & Technical Education

CTE Allotment:	$17,907,341
Required Spend (55%):	$ 9,849,038

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Career & Technical Education

Total CTE Cost:	$12,944,191
CTE Allotment:	17,907,341
Net available for other costs:	**$ 4,963,150**

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Career & Technical Education

$345,736,059

$17,907,341	CTE
$55,708,061	SCE
$196,325,021	Regular Program
$755,275	Gifted & Talented
$10,512,334	Early Education
$1,031,610	Safety
$2,793,729	Transportation







860





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Texas School Funding

College, Career, or Military Readiness Bonus

861

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CCMR Bonus

College, Career, or Military Readiness (CCMR) Bonuses are paid for each annual graduate above a certain threshold percentage as follows:

- $5,000 for each CCM ready economically disadvantaged annual graduate above threshold, or
- $3,000 for each CCM ready non-economically disadvantaged graduate above threshold, and
- $2,000 for each CCM ready annual graduate enrolled in special education



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CCMR Bonus

CCMR Allotment:	$ 1,359,000
Required Spend (55%):	$ 747,450

CCMR Bonus

Total CCMR Cost:	$ 2,595,216
CCMR Allotment:	1,359,000
Net cost to district:	**$ 1,236,216**

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CCMR Bonus

$345,736,059

$1,359,000	CCMR
$17,907,341	CTE
$55,708,061	SCE
$196,325,021	Regular Program
$755,275	Gifted & Talented
$10,512,334	Early Education
$1,031,610	Safety
$2,793,729	Transportation







865





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Independent School District
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General Fund:
2024-25 Projections

Alief Independent School District
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2024-25 Revenue Projections

Revenue Change Analysis		
Original revenue budget: 2024-25	$	464,578,800
Local revenue change		(4,109,560)
State formula funding		3,677,103
Property value audits		(2,190,407)
Other federal revenue change		-
Revenue projection: 2024-25	**$**	**461,955,936**

Preliminary

867

Local revenue – Under budget due to decrease in property values.

State revenue – Increase due to ADA above projected by 171. Also, State share increases when local revenue decreases.

Property value study audit for 2021 received in prior year, budgeted in current year.

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2024-25 Expenditure Projections

Preliminary

Expenditure Change Analysis		
Original expenditure budget: 2024-25	$	456,278,800
Salary & wages		5,938,556
Health Insurance		233,123
Professional/Contracted Services		2,241,403
Supplies & other fees		1,302,070
Utilities		673,099
Lease Acct/Capital Outlay		1,656,419
Expenditure projection: 2024-25	**$**	**468,323,470**

868



Payroll projected under budget due to vacancies, even after the additional supplement approved by the Board in January



Professional services increase due to SPED contracted support (move from payroll to contracted).



Capital Outlay increase due to purchase of police equipment, metal detectors and vehicle purchase.



Utilities have increased slightly.

Alief Independent School District
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2024-25 Projected Net Impact

Preliminary

Impact on Fund Balance		
Net income/loss budgeted: 2024-25	$	9,200,000
Change in revenues		(2,622,864)
Change in expenditures		(12,044,670)
Net income/loss projected: 2024-25	**$**	**(5,467,534)**

- *We anticipate that this reduction to fund balance will be offset by an increase to state revenue due to hold harmless caused by tax rate compression and homestead exemption increases. We have not yet included this revenue in the 2024-25 projections due to the uncertainty of this funding. The Legislators' intent was not to have hold harmless for M&O and proposed bills in the 89th Legislative Session will eliminate this in future years.*
- *The net loss includes $6M (2 - $500 supplements) and $7.25M (teacher retention and recruitment supplements) in one time payments that will not be continued in subsequent years.*

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General Fund:
2025-26 Preliminary Projections

Alief Independent School District
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2025-26 Revenue Projections

Revenue Change Analysis		
Original revenue budget: 2024-25	$	464,578,800
Local revenue		(7,807,808)
State formula funding		6,733,401
Property value audits		7,600,000
Other State revenue		682,562
Federal revenue change		(1,562,423)
Revenue Projection: 2025-26	**$**	**470,224,532**

Preliminary

871

Local revenue – Decrease from current year due to estimated Statewide tax rate compression.

State revenue – Increase due to decrease in local revenue and projected enrollment decline of 376 students.

Federal revenue decline due to a decrease in SHARS and indirect costs.

Alief Independent School District
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2025-26 Expenditure Projections

Preliminary

Expenditure Change Analysis		
Original expenditure budget: 2024-25	$	456,278,800
Salary & wages		10,508,503
Health Insurance		(3,205,308)
Professional/Contracted Services		-
Supplies & other fees		499,515
Utilities		2,100,000
Capital Outlay		(999,985)
Expenditure projection: 2025-26	**$**	**465,181,525**

872



Payroll projected over current year due to placeholder for potential salary increase, offset by position reductions due to enrollment decline



Health insurance under current year to additional savings from change in insurance carrier.



Utilities over prior year due to full year budget under new rate contract

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2025-26 Projected Net Impact

Impact on Fund Balance		
Net income/loss budgeted: 2024-25	$	9,200,000
Change in revenues		5,645,732
Change in expenditures		(8,902,725)
Reduction in Other Sources		(900,000)
Net income/loss projected: 2025-26	**$**	**5,043,007**

873

Preliminary

2025-26 Expenditure Projections

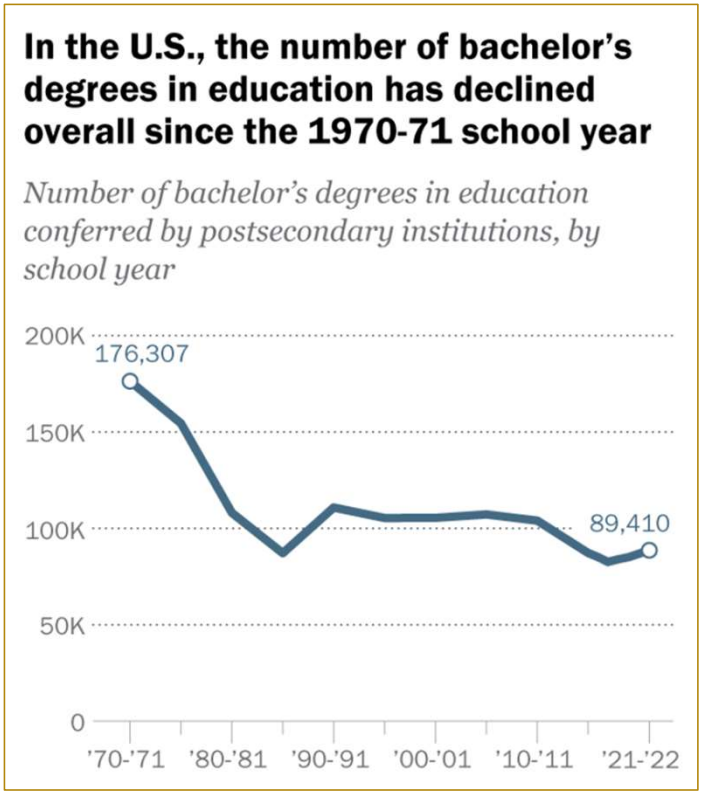
- Teacher ratio-based staffing:

Elementary	22:1
Intermediate	25:1
Middle	23:1
High School	23:1

- Reduced Intermediate staffing ratio to 25:1. No additional changes recommended in teacher staffing ratios for 2025-26. However, fewer projected students result in reductions to align staffing to enrollment projections.

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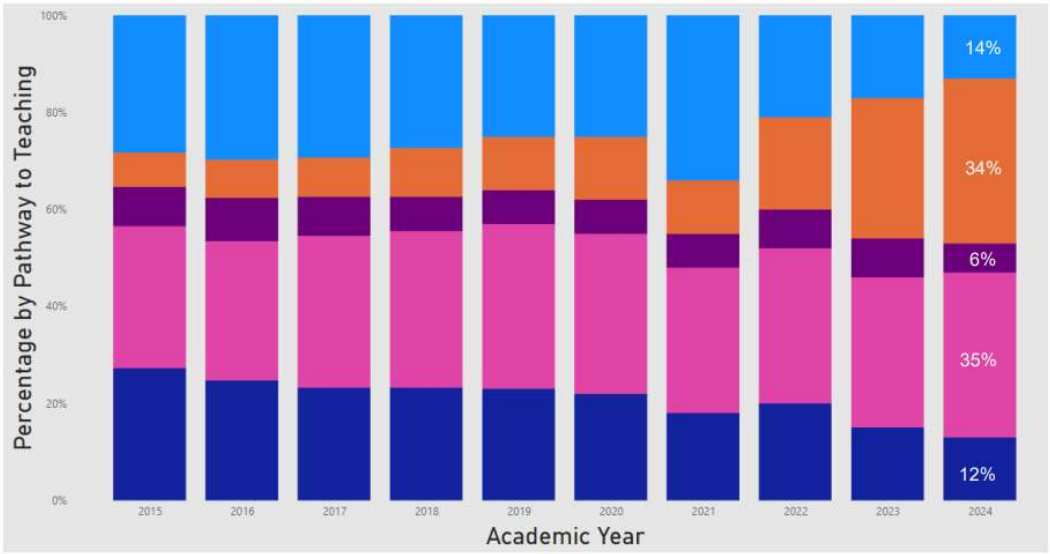
Focus on Certified Teachers



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Focus on Certified Teachers

A Growing Percentage of New Hires are Non-Certified

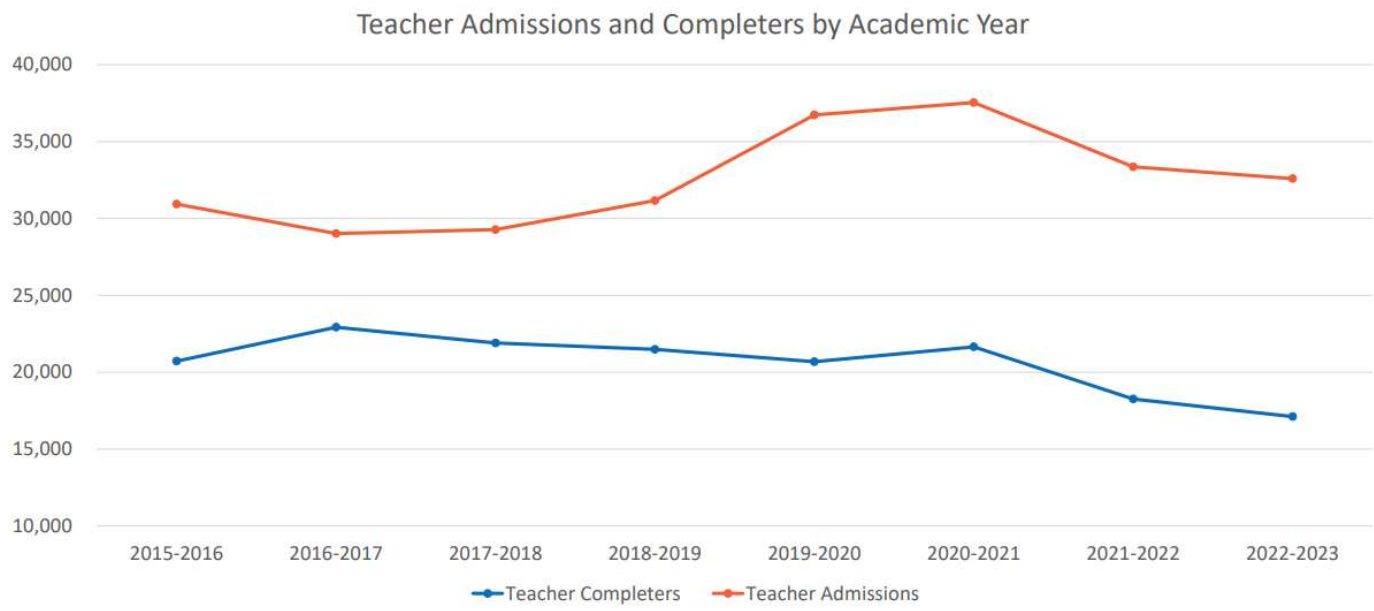


- Alternative certification, which includes teacher interns, has declined
- Non-certified individuals grew to 34% of newly hired teachers in 2024 – an historic high
- Out-of-State certification remains relatively steady
- Re-entry includes individuals not teaching in the prior year and remains consistent
- Traditional certification has continued to decline

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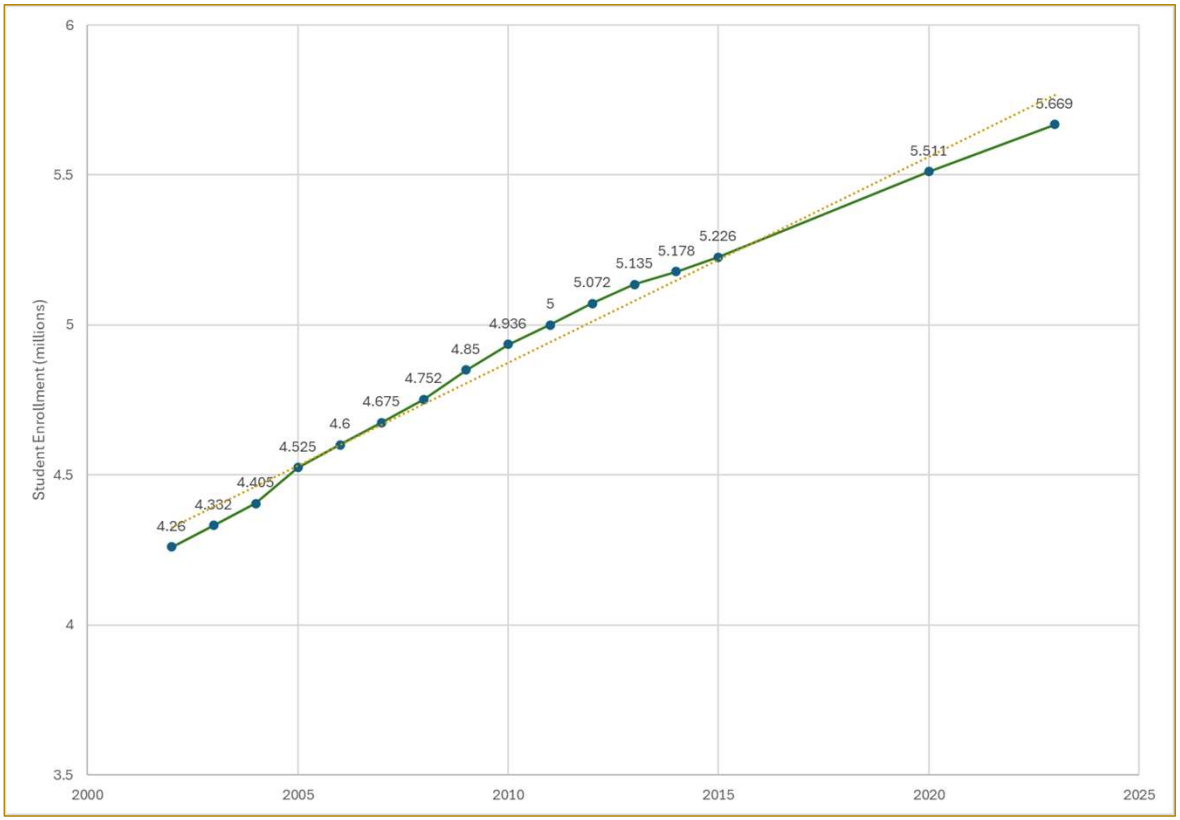
Focus on Certified Teachers

Leading Supply Indicator: Ed Prep Program Admissions and Completions are trending downward recently



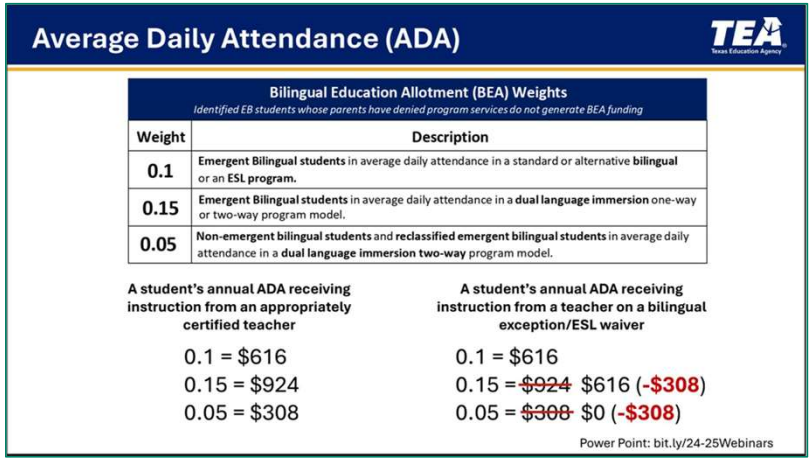
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Student Enrollment in Texas



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Focus on Certified Teachers



Average Daily Attendance (ADA)

Bilingual Education Allotment (BEA) Weights

Identified EB students whose parents have denied program services do not generate BEA funding

Weight	Description
0.1	**Emergent Bilingual students** in average daily attendance in a standard or alternative **bilingual** or an **ESL program.**
0.15	**Emergent Bilingual students** in average daily attendance in a **dual language immersion** one-way or two-way program model.
0.05	**Non-emergent bilingual students** and **reclassified emergent bilingual students** in average daily attendance in a **dual language immersion two-way** program model.

A student's annual ADA receiving instruction from an appropriately certified teacher	A student's annual ADA receiving instruction from a teacher on a bilingual exception/ESL waiver
0.1 = $616	0.1 = $616
0.15 = $924	0.15 = ~~$924~~ $616 (**-$308**)
0.05 = $308	0.05 = ~~$308~~ $0 (**-$308**)

Power Point: bit.ly/24-25Webinars

- *Commissioner has stated that Bilingual funding will decrease if teachers do not have Bilingual Certification*
- *If HB2 passes school districts will be forbidden to hire uncertified teachers for courses in the foundation curriculum.*

Sec. 21.0032. EMPLOYMENT OF UNCERTIFIED CLASSROOM TEACHERS. (a) A school district may not employ as a classroom teacher for a course in the foundation curriculum under Section 28.002 a person who does not hold an appropriate certificate or permit issued by the State Board for Educator Certification under Subchapter B.

HB2

Alief Independent School District
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Focus on Certified Teachers

- Over 600,000 teachers have left the profession since 2020, according to the Bureau of Labor Statistics (3.8M teachers in 2020)
- Approximately 8% of public-school teachers leave the profession each year, according to the National Center for Education Statistics
- Alief had a 92% retention rate for 2024-25
- Alief ISD employed 2,901 teachers for 2024-25 with 468 uncertified – 16.1%
- State average uncertified teachers - 10.9%
- Alief ISD uncertified new hires 2024-25 – 46%
- State average uncertified new hires – 34%
- State average uncertified teachers charter schools – 60%, reported by TEA

Insurance Comparison

Monthly	Alief BCBS - HMO	Katy Aetna - ACO	Fort Bend United - Kelsey	Spring Branch TRS - HMO	Cy-Fair TRS - HMO	TRS Retirees TRS - HMO
Premium - Employee Only	$ 634	$ 505	$ 730	$ 553	$ 553	$ 553
District Contribution	550	385	570	295	231	N/A
Employee Cost - EO	$ 84	$ 120	$ 160	$ 258	$ 322	$ 553
PCP Copay	$30	20% after deductible	$45	$15	$15	$15
Deductible	$1500/$2,250	$1850/$3675	$750/$1,500	$1200/$2,400	$1200/$2,400	$1200/$2,400

881

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Compensation Changes 2025-26

Total Cost of Raise and Other Salary Changes		
Cost of 3% on the midpoint raise	$	9,000,000
Recruitment & Retention Incentives (Year 2)		1,125,000
		10,125,000
Staffing Plan		
Net cost of new positions		1,056,592
Compensation Plan for 2025-26		
Upgrades or increase within paygrades		2,676,623
Change in number of contracted days		548,497
Stipend increases / additions		131,670
		3,356,790
Total Increase to 2025-26	$	14,538,382

Approved in March

New Positions equals a net change of zero. This is an increase of 19 professional positions netted with a reduction of 19 paraprofessional positions.

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Legislative Updates

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Question and Comments

?

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ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of Staffing Plan for 2025-26

The Finance Department will present a review of the proposed staffing plan for the 2025-2026 school year.

Recommendation: It is recommended that the Board of Trustees of the Alief Independent School District consider approval of the staffing plan for the 2025-2026 school year.

Dr. Anthony T. Mays
Superintendent

Charles Woods
Deputy Superintendent/
Business Services



10.2

2025-26 Staffing Plan

April 15, 2025

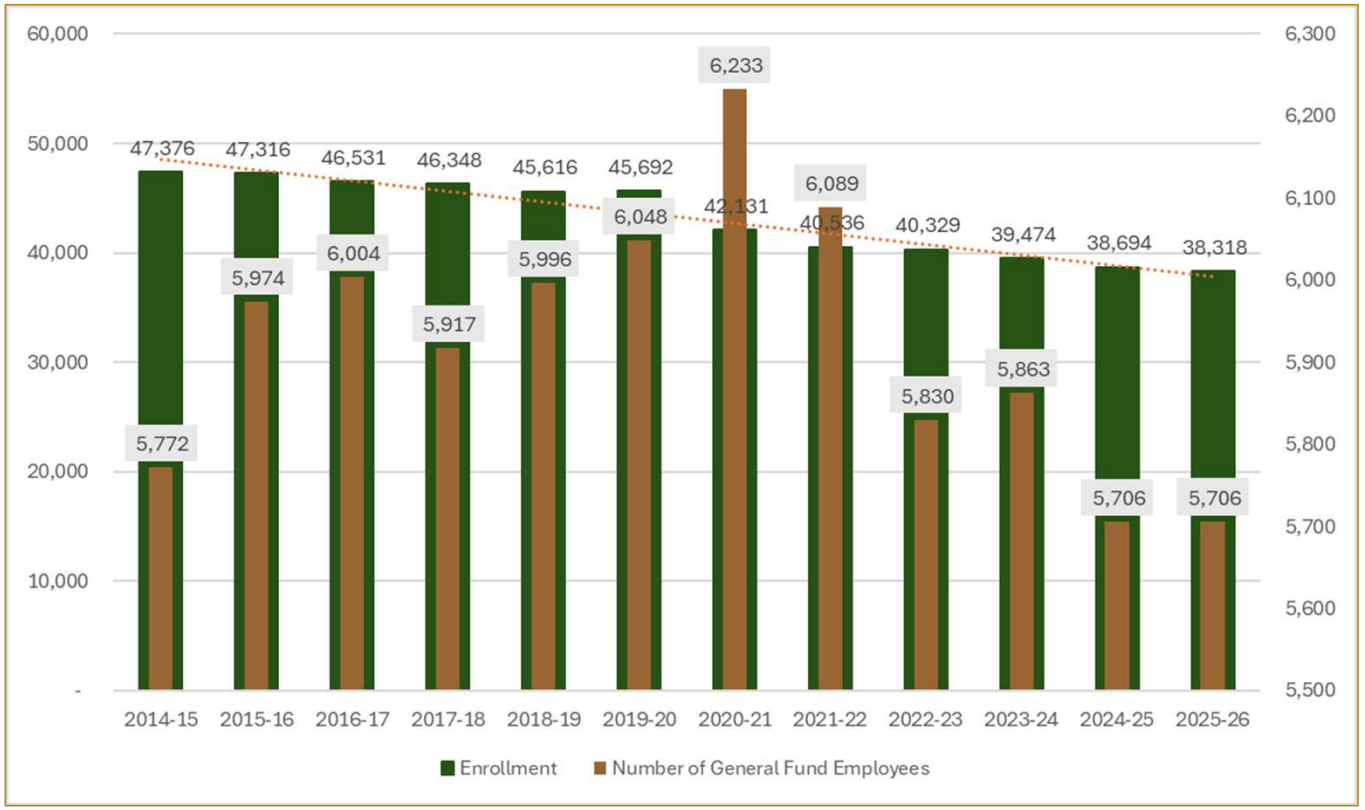
886

Dr. Emily Littlefield, CFO/Business Services

Charles Woods, Deputy Superintendent

Alief Independent School District
THE SMART CHOICE

2025-26 Staffing Plan



Alief Independent School District
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2025-26 Staffing Plan

General Fund summary:

Positions	Budget Category	Budgetary Effect
4.0	Elementary/Intermediate personnel costs	$ 566,156
16.0	Middle/High personnel costs	1,061,115
-25.0	Special Education - campus personnel costs	(1,129,892)
1.0	Special Education - central personnel costs	89,960
0.0	Business Services personnel costs - succession	23,967
1.0	Human Resources/Strategic Staffing Strategist	136,851
2.0	Inst - Exec Direct C&I and Library/Digital Mgr	260,155
1.0	Supt/Chief of Staff - Supporting Registrar	48,280
0.0	**Total**	**$ 1,056,592**

- Staffing changes net $1.1M increase in costs.
- Intermediate student/teacher ratios adjusted to 25:1 from 26:1
- Dyslexia teachers under special education umbrella used as part of ratio when staffing for Inclusion Support Teachers

2025-26 Staffing Plan – Elem/Int

No.	Position Type	Salary estimate	Cost	Comments
Elementary/Intermediate Positions				
-1.0	Elementary Teachers	69,000	$ (69,000)	Ratio 22:1
5.0	Intermediate Teacher	69,000	345,000	Ratio 26:1
-1.0	Counselor	75,000	(75,000)	Ratio based
2.0	Intermediate Specialists	69,000	138,000	Adj alloc at Int so funding shift from Title
3.0	Elective Teachers	67,000	201,000	2 dance/theater @ Miller +1 theater @Rees
2.0	ESL Teacher	67,000	134,000	Ratio based
1.0	Elective Paraprofessional	26,000	26,000	Ratio based
-3.0	ESL Paraprofessionals	26,000	(78,000)	Ratio based
-2.0	Dual Language Aides	26,000	(52,000)	Ratio based
4.0	Pre-K Aides	26,000	104,000	Ratio based - 11:1 adult/child ratio
-1.0	Kinder Aide	26,000	(26,000)	Added during 24-25 due to class size
-5.0	Instructional aides	26,000	(130,000)	Added during 24-25 due to class size
	Increase in benefits cost		48,156	
4.0	**Total Elementary/Intermediate**		**$ 566,156**	

- Includes 3 Fine Arts elective teachers at Rees and Miller for PVA.

Alief Independent School District
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2025-26 Staffing Plan – MS/HS

No.	Position Type	Salary estimate	Cost	Comments
Middle/High School Positions				
-8.0	Middle School Teachers	69,000	(552,000)	Ratio 23:1
2.0	Middle School ESL Teachers	69,000	138,000	Ratio based
2.0	Middle School STEM Teachers	69,000	138,000	Innovation @ Olle
3.0	Middle School Fine Arts Teachers	69,000	207,000	PVA at Albright
0.0	High School Teacher	69,000	-	Ratio 23:1
1.0	Dean of ACAC	97,000	97,000	Restore previous reduction
5.0	Middle School ESL Specialists	69,000	345,000	Ratio based
5.0	High School ESL Specialists	69,000	345,000	Ratio based
1.0	Advanced Academic Facilitator	69,000	69,000	Campus testing needs - Kerr
3.0	Middle School Financial Clerks	26,000	78,000	1 per campus vs shared position
-4.0	Middle School ESL Paraprofessionals	26,000	(104,000)	EB population dec
5.0	High School ESL Paraprofessionals	26,000	130,000	EB population inc
1.0	Career Center Paraprofessional	26,000	26,000	Cosmetology Monitor
	Increase in benefits cost		144,115	
16.0	**Middle/High School Positions**		**1,061,115**	

- Includes 3 Fine Arts elective teachers at Albright for PVA
- Includes 2 STEM teachers at Olle
- Includes 5 MS and 5 HS ESL Specialists to support EB students

2025-26 Staffing Plan - Sped

No.	Position Type	Salary estimate	Cost	Comments
Special Education Positions				
-6.0	Special Education Teachers	72,000	(432,000)	red in high need students / Dys teach. ICS ratios
-19.0	Special Education Paraprofessionals	26,000	(494,000)	red in high need students / Dys teach. in ICS ratios
1.0	Sped Early Childhood Specialist	80,000	80,000	Increase in ECSE students
	Decrease in benefits cost for net staffing changes		(193,932)	
-24.0	**Net decrease in Special Education Staffing**		**$ (1,039,932)**	

- Includes a reduction of 25 campus positions
- Includes 1 Central Early Childhood Specialist due to increase in ECSE

Alief Independent School District
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2025-26 Staffing Plan – Non-Campus

No.	Position Type	Salary	Cost
Non-campus Department Positions			
0.0	Business Serv net costs - succession		23,967
1.0	Human Resources/Strategic Staffing		136,851
2.0	Inst - Exec Direct C&I and Library/Digital Mgr		260,155
1.0	Supt/Chief of Staff - Supporting Registrar		48,280
4.0	Total	$	469,253

892

Alief Independent School District
THE SMART CHOICE

Compensation Changes 2025-26

Total Cost of Raise and Other Salary Changes		
Cost of 3% on the midpoint raise	$	9,000,000
Recruitment & Retention Incentives (Year 2)		1,125,000
		10,125,000
Staffing Plan		
Net cost of new positions		1,056,592
Compensation Plan for 2025-26		
Upgrades or increase within paygrades		2,676,623
Change in number of contracted days		548,497
Stipend increases / additions		131,670
		3,356,790
Total Increase to 2025-26	$	14,538,382

Approved in March

New Positions equals a net change of zero. This is an increase of 19 professional positions netted with a reduction of 19 paraprofessional positions.

Question and Comments



?

Alief Independent School District
THE SMART CHOICE

2025-26 Staffing Plan Approval



It is recommended that the Board of Trustees of the Alief Independent School District consider approval of the 2025-26 Staffing Plan as presented.

895

Alief Independent School District
THE SMART CHOICE

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Consider Approval of Compensation Plan for 2025-26

The Finance Department will present a review of the proposed compensation plan for the 2025-2026 school year.

Recommendation: It is recommended that the Board of Trustees of the Alief Independent School District consider approval of the compensation plan for the 2025-2026 school year.

Dr. Anthony T. Mays
Superintendent

Charles Woods
Deputy Superintendent/
Business Services



10.3

2025-26 Compensation Plan

April 15, 2025 [897]

Charles Woods, Deputy Superintendent

Alief Independent School District
THE SMART CHOICE

2025-26 Compensation Plan

At the March 4th Board Workshop, the Board of Trustees approved a 3% of the midpoint increase for all employees bringing starting teacher salaries to $64,100.

New Hired Teacher Salary Placement Schedule 2025-26

Experience	24-25 Salary	Diff between years	Proposed 25-26 Salary	Difference from 24-25 to 25-26	Diff between years	2025-26 Salary Increase
0			64,100			
1	62,000	-	64,350	2,350	250	250
2	62,000	-	64,600	2,600	250	500
3	62,250	250	64,850	2,600	250	750
4	62,500	250	65,100	2,600	250	1,000
5	62,750	250	65,350	2,600	250	1,250
6	63,000	250	65,600	2,600	250	1,500
7	63,250	250	65,850	2,600	250	1,750
8	63,500	250	66,100	2,600	250	2,000
9	63,750	250	66,350	2,600	250	2,250
10	64,000	250	66,600	2,600	250	2,500
11	65,158	1,158	67,258	2,100	658	3,158
12	65,640	482	67,740	2,100	482	3,640
13	65,890	250	67,990	2,100	250	3,890
14	66,140	250	68,240	2,100	250	4,140
15	66,782	642	68,882	2,100	642	4,782
16	67,274	492	69,374	2,100	492	5,274
17	67,844	570	69,944	2,100	570	5,844
18	68,378	534	70,478	2,100	534	6,378
19	69,038	660	71,138	2,100	660	7,038
20	70,002	964	72,102	2,100	964	8,002
21	70,647	645	72,747	2,100	645	8,647
22	71,122	475	73,222	2,100	475	9,122
23	71,568	446	73,668	2,100	446	9,568
24	72,502	934	74,602	2,100	934	10,502
25	73,292	790	75,392	2,100	790	11,292

Alief Independent School District
THE SMART CHOICE

Comparison of Salary and Benefits

District	Type of Insurance	2025-26 Starting Salary	Monthly Insurance Premium (Emp Only)	Annual Insurance Premiums Most Common Plan*	Starting Salary Less Annual Insurance Premiums	Difference from Alief
Humble	UBC - Cigna	$ 64,350	$ 50	$ 600	$ 63,750	$ 658
Alief	Blue Cross Blue Shield TX	64,100	84	1,008	63,092	-
Houston	Aetna	64,000	85	1,024	62,976	(116)
Galena Park	TRS Active Care Primary +	65,500	217	2,604	62,896	(196)
Katy	Aetna	64,130	109	1,308	62,822	(270)
Lamar	United Healthcare	64,100	146	1,753	62,347	(745)
Pasadena	Aetna	63,705	127	1,524	62,181	(911)
Aldine	Aetna	64,000	193	2,316	61,684	(1,408)
Alvin	United Healthcare	64,175	210	2,520	61,655	(1,437)
Goose Creek	TX Schools Health Benefits Prog.	63,500	170	2,040	61,460	(1,632)
Spring Branch	TRS Active Care Primary +	64,375	258	3,096	61,279	(1,813)
Pearland	TRS Active Care Primary +	62,700	216	2,592	60,108	(2,984)
Clear Creek	TRS Active Care Primary +	62,500	218	2,616	59,884	(3,208)
Fort Bend	United Healthcare	62,000	177	2,124	59,876	(3,216)
Conroe	Blue Cross Blue Shield TX	61,600	156	1,872	59,728	(3,364)
Texas City	TRS Active Care Primary +	62,500	253	3,036	59,464	(3,628)
LaPorte	TRS Active Care Primary +	61,000	153	1,836	59,164	(3,928)
Cy-Fair	TRS Active Care Primary +	63,000	322	3,864	59,136	(3,956)
Tomball	TRS Active Care Primary +	61,000	218	2,616	58,384	(4,708)
Deer Park	TRS Active Care Primary +	61,000	228	2,736	58,264	(4,828)
Klein	TRS Active Care Primary +	61,075	242	2,904	58,171	(4,921)
Spring	Blue Cross Blue Shield TX	60,500	230	2,760	57,740	(5,352)

Alief Independent School District
THE SMART CHOICE

2025-26 Compensation Plan Review

Human Resources and Business Services staff completed the following during the review of the 2025-26 Compensation Plan:

- Addressed known salary issues not previously adjusted due to budget constraints over the last 5 years
- Addressed suggestions made in Alief ISD's 2024 TASB Salary Study
- Utilized 2024-25 TASB Salary Survey data to ensure market comparability in Compensation Plan adjustments

Alief Independent School District
THE SMART CHOICE

Summary of Proposed Changes

Compensation Plan Changes 2025-26

	# of Employees Included	Total Change in pay	Total Change in Days	Total Change in Stipends	Totals
General Fund					
Campus positions	602.0	$ 719,026	$ 404,391	$ 16,670	$1,140,087
Teacher salary schedule adj	1,011.0	486,750			486,750
Sped positions	294.0	241,201	139,613	90,000	470,815
Admin positions	201.0	547,604	4,492	25,000	577,096
Maint / Custodial positions	291.5	682,042			682,042
Total General Fund	2,399.5	2,676,623	548,497	131,670	3,356,790
Food Service					
Maintenance - coded to 240	4.0	35,221			35,221
Nutrition positions	16.0		23,757		23,757
Total Nutrition	20.0	35,221	23,757	-	58,978
Grand Total	**2,419.5**	$ 2,711,844	$ 572,254	$ 131,670	$3,415,768

- 2,400 total general fund employees adjusted
- 1,907 campus employees (including campus (non-teaching), teachers, & special ed teach/paras)
- 201 administrative employees (admin paraprofessional, professional, directors and police officers)
- 291.5 maintenance and custodial positions (including custodians, crafts and foremen)

Alief Independent School District
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Changes in Paygrade or Changes in Pay within Current Paygrade

Changes in Pay			
Division/ Department	**# emp included**	**Total Cost**	**Included Positions**
Campuses	313	$ 719,026	Campus secretaries, registrars, AP's, counselors & other
Special Education	136	241,201	Diagnosticians, school psychologists, SLPs, OT, PT, Sped Coordinators & other
Administration	174	547,604	Police officers/sergeants, P4/P5 Professionals, AP clerks, Directors & other
Maint / Custodial	291.5	682,042	Custodians, crafts, foremen & P4 professionals
Teachers	1011	486,750	Years 1 -10 teachers to create $250 differentiation between each year of service
	1925.5	$ 2,676,623	

902

- Addressed known salary issues not previously adjusted – particularly in the P4 and P5 paygrades
- Addressed suggestions made in Alief ISD's 2024 TASB Salary Study
- Utilized 2024-25 TASB Salary Survey data to ensure market comparability in Compensation Plan adjustments
- Increased teachers in Years 1-10 above 3% midpoint inc of $2,100 to ensure at least $250 between each year of service
  * Year 1: 75 teachers @ $250 each
  * Years 2-10: 936 teachers @ $500 each

Alief Independent School District
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Changes in Number of Days Worked

Changes in Days

Division/ Department	# emp included	Total Cost	Included Positions
Campuses	274	$ 404,391	Content specialists and Registrars (MS, NGC, ALC)
Special Education	108	139,614	SLPs, SEMS Clerks & other Sped Positions
Administration	2	4,492	Other Admin Positions
	384	$ 548,497	

903

- For the 265 content specialists, the contracted salary will remain at 187 days, but Specialists will be able to be paid for up to 4 additional workdays at the beginning of the school year. This will be paid as supplemental pay at their daily rate X the number of days worked.

Changes in Stipends

Changes in Stipends

Division/ Department	# emp included	Total Cost	Included Positions
Campuses	15	$ 16,670	Fine Arts and Athletics
Special Education	50	90,000	Dyslexia and Structure Teachers
Administration	25	25,000	Police Officer Certifications
	90	$ 131,670	

- Stipends are included as part of salary and paid over 24 paychecks.

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Compensation Changes 2025-26

Total Cost of Raise and Other Salary Changes		
Cost of 3% on the midpoint raise	$	9,000,000
Recruitment & Retention Incentives (Year 2)		1,125,000
		10,125,000
Staffing Plan		
Net cost of new positions		1,056,592
Compensation Plan for 2025-26		
Upgrades or increase within paygrades		2,676,623
Change in number of contracted days		548,497
Stipend increases / additions		131,670
		3,356,790
Total Increase to 2025-26	$	14,538,382

Approved in March

New Positions equals a net change of zero. This is an increase of 19 professional positions netted with a reduction of 19 paraprofessional positions.

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Question and Comments

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Alief Independent School District
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2025-26 Compensation Plan Approval

Compensation Plan for 2025-26		
Upgrades or increase within paygrades	$	2,676,623
Change in number of contracted days		548,497
Stipend increases / additions		131,670
	$	3,356,790

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It is recommended that the Board of Trustees of the Alief Independent School District consider approval of the 2025-26 Compensation Plan.

Alief Independent School District
THE SMART CHOICE

ALIEF INDEPENDENT SCHOOL DISTRICT

BOARD DOCUMENT

MEETING DATE: April 15, 2025

AGENDA ITEM: Digital Learning and Technology Update (Kathleen Jahn)

Board Goal #1: Alief ISD will close the achievement gap to ensure that all students reach their academic potential.

The Digital Learning Department will provide an update on current Digital Learning and Technology support services and initiatives that impact the instruction of students. In collaboration with Technology Services, the Digital Learning department ensures equity and access to devices and connectivity as well as instructional tools to maximize student outcomes and prepares students for post-secondary success in an everchanging digital environment. Progress on our five-year Technology Plan will also be highlighted in this report.

RECOMMENDATION: Report ONLY

Dr. Anthony T. Mays
Superintendent

Kathleen Jahn
Deputy Superintendent for Instruction



Presented by Alief ISD Digital Learning & Technology Services

Preparing Future-Ready Learners Today:

Technology Update[909]

April 2025 Board Meeting

Brian Gonzalez - Director of Digital Learning

Instruction Department

Alief Independent School District
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District Technology Plan
(2023-2028)



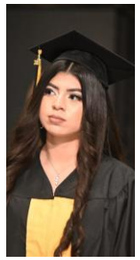
- Thank you for your approval in 2023
- Presentation provides updates on key components of the district technology plan

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THE SMART CHOICE
2023-2028 District Long-Range Technology Plan
Preparing Future-Ready Learners Today

Alief Independent School District
Alief, Texas

Alief Independent School District
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Pillars of Instructional Technology



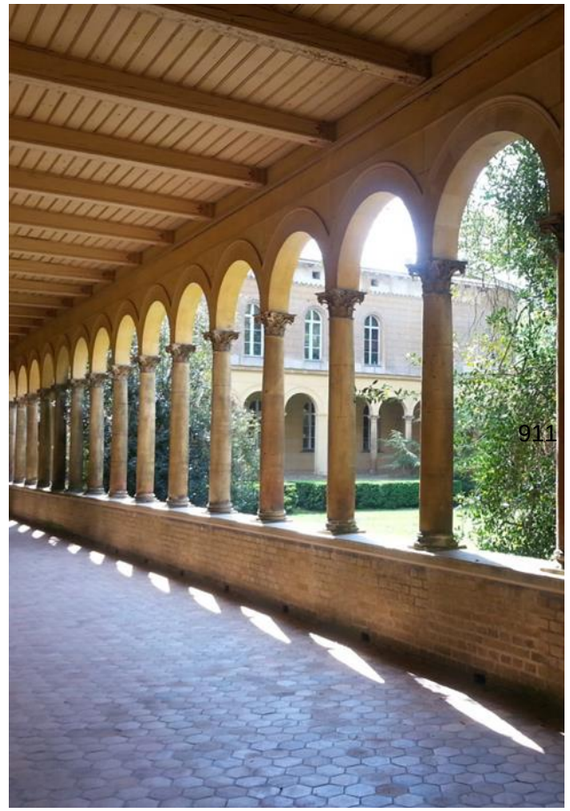






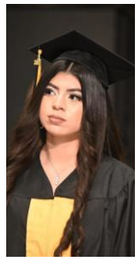



- Learning: Flexible, Empowered
- Equitable Access
- Digital Citizenship, Safety and Security
- Collaborative Leadership
- Reliable Infrastructure



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Digital Learning & Instructional Tech

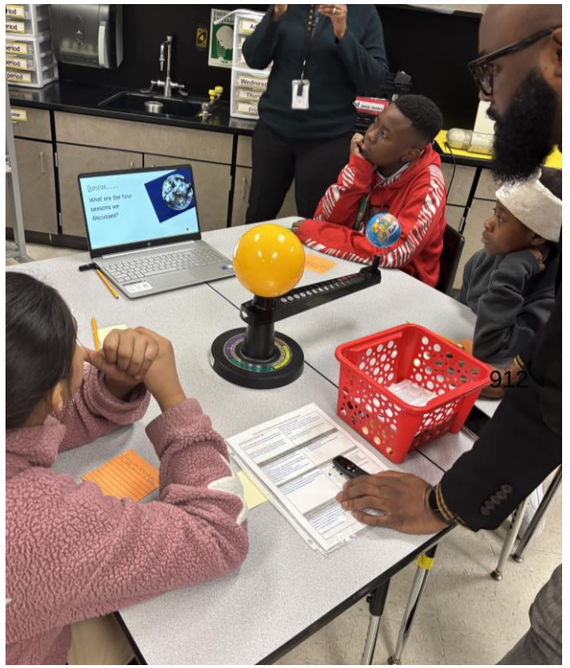






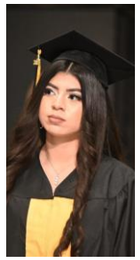
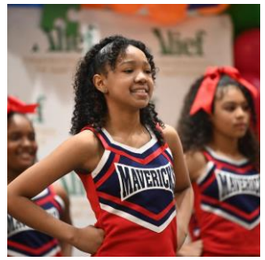



- Technology is an integral part of the instructional program that contributes to academic success.
- Technology-rich environments support flexibility in curriculum and instructional delivery
- Traditional and digital learning go hand-in-hand



Alief Independent School District
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Libraries







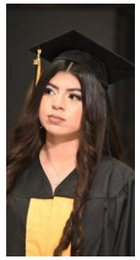
- Libraries are the heart of the school and support digital and traditional literacy, teaching and learning
- Rich print, digital, and makerspace resources and programming
- Expert, certified library information specialists provide robust support and programming





Alief Independent School District
THE SMART CHOICE

Reliable Infrastructure

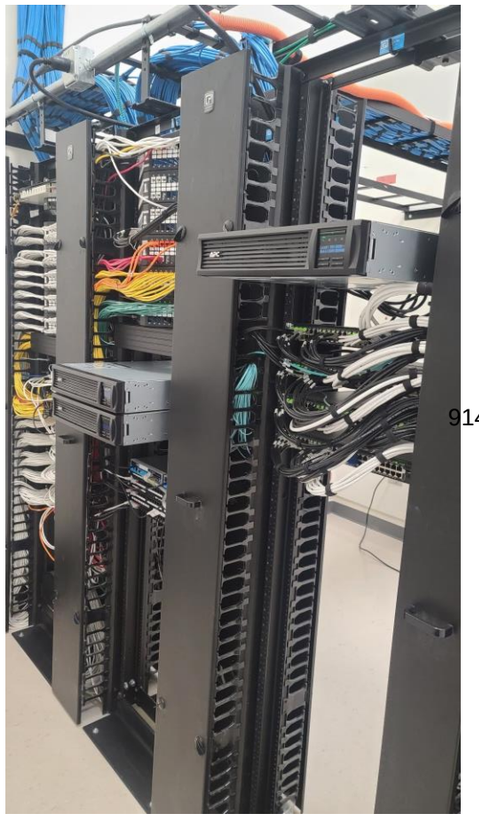






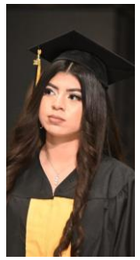



- Maintain and expand capacity, bandwidth, capabilities, and services to continue to meet district needs
- Cloud services
- Wired and wireless networks
- High-availability & disaster recovery
- Village of support and focus on service



Alief Independent School District
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Interactive Panels for Learning







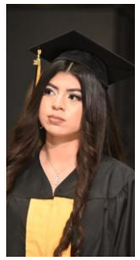



 On Our Way	 In Progress	 Path Forward
Panels purchased for all classrooms without a panel Training provided at campus and district level	Teaching and learning enhanced in each classroom with use of interactive panels	Bond replacement of aging panels that were in classrooms before ESSER purchase and training



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THE SMART CHOICE

Devices & Hardware

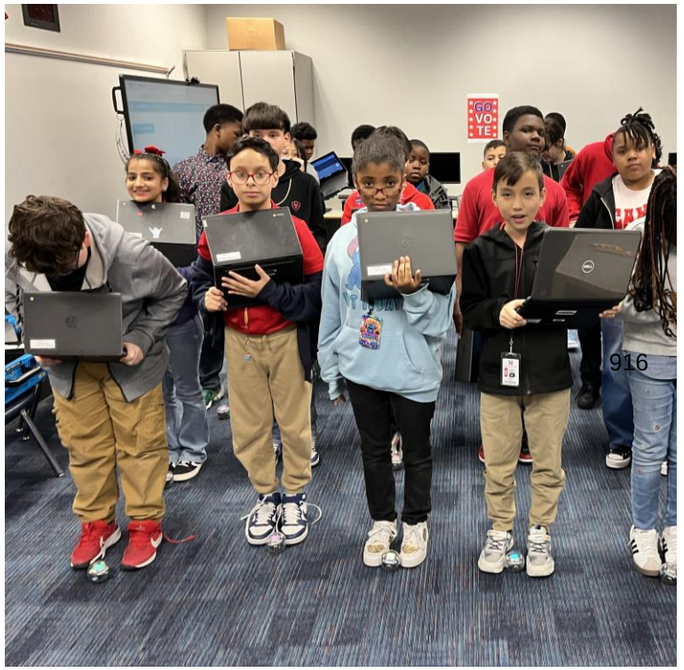






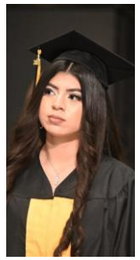



- Bond hardware committee to gather feedback
- Review current usage and established standards
- Preparation for bond replacement and renewal of hardware



Alief Independent School District
THE SMART CHOICE

1:1 Student Device Program










 On Our Way	 In Progress	 Path Forward
1:1 devices checked out to students Devices used responsibly and instructionally Robust device-based filters in place	Available for learning at school and home Streamlined repair process	Spotlight on resources for learning at home Digital monitoring tech for teachers to keep students engaged and focused on learning (cost per user)





Alief Independent School District
THE SMART CHOICE

Digital Citizenship & Online Safety

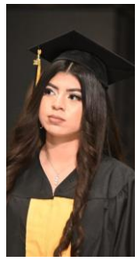
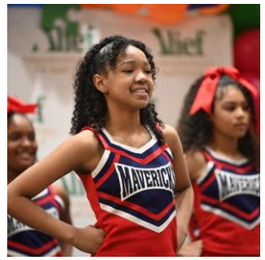


- Programming continues (AUP/RUP, Anti-Cyberbullying Poster Contest)
- Key in everyday use of technology and keeping our kids safe
- Additional resources



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Assessment

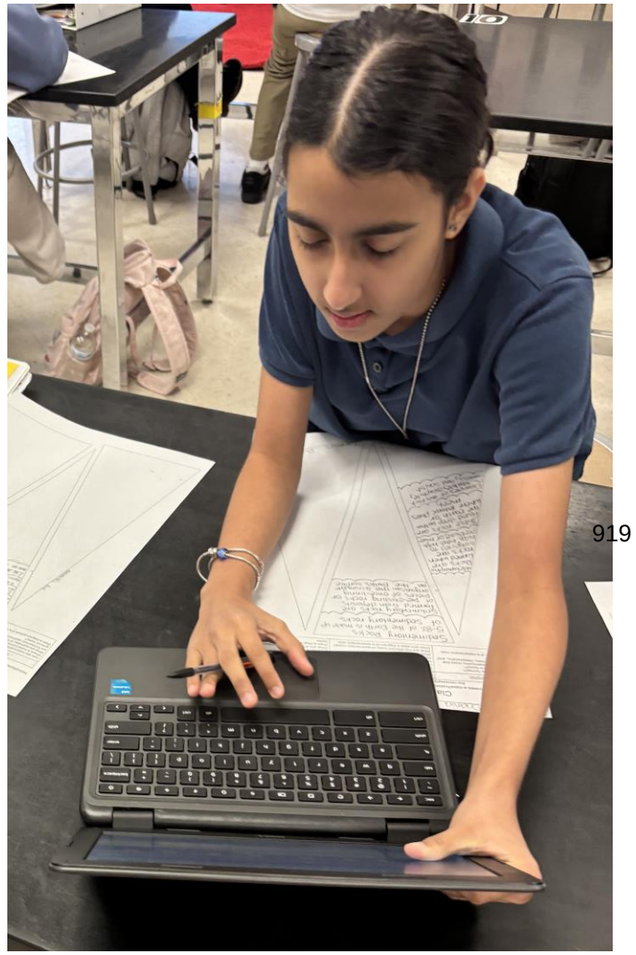







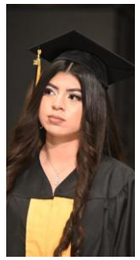


- Digital assessments fully supported in district in conjunction with 1:1
- Collaboration and coordination between campuses, instruction, tech services, and MIS



Alief Independent School District
THE SMART CHOICE

Blended Learning Course Development







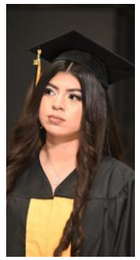
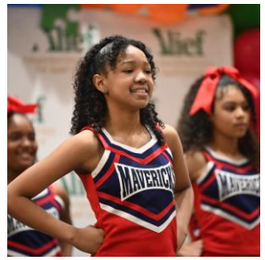



 On Our Way	 In Progress	 Path Forward
Principals of Info Tech Business Info Management AP Statistics 7th & 8th Social Studies Public Speaking Health/Tech K-5	5th Grade Social Studies World Geography Complete	Technology Applications with Core Content Grades 2 & 7

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INSTRUCTION · LIBRARIES · DISTANCE LEARNING
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Alief Independent School District
THE SMART CHOICE

Distance Learning









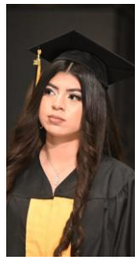
- In conjunction with the Texas Virtual Schools Network and McMurry University
- Select courses for secondary students
- Original credit and dual credit opportunities

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INSTRUCTION • LIBRARIES • DISTANCE LEARNING

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Alief Independent School District
THE SMART CHOICE

Distance Learning









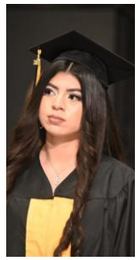

By taking virtual courses, students may:

- Free up space in schedule for practicums and internships
- Allow for higher level courses to be scheduled
- Increase dual-credit opportunities
- Take specialized courses with limited scheduling options

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Alief Independent School District
THE SMART CHOICE

Distance Learning









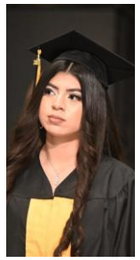

Supporting student success:

- Introductory course
- Distance learning contract
- Success coaches
- Progress monitoring and tracking
- Regularly scheduled check-ins

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Potential Full-Time Virtual Opportunities









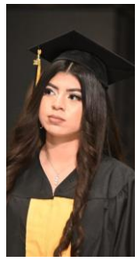
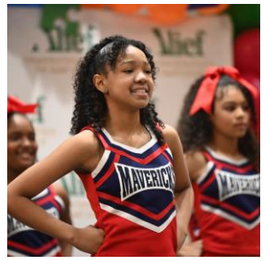

- SB569 in current legislative session
- Will make adjustments based on new law as passed.
- Preparing to act on new opportunities presented by legislation.
- Engaging with partners regarding options for expansion of current virtual programs and the establishment of new full-time possibilities.

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ALIEF ISD
VIRTUAL
ACADEMY

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Professional Learning







 On Our Way	 In Progress	 Path Forward
Digital Learning Open Labs Specialist Training, Coaching and Support (Instructional Tech & Library Information)	Launch with Rice University (Computational Thinking & New Tech Apps) Adobe Express Training Program	Tech Apps in Core Curriculum

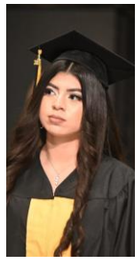


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Alief Independent School District
THE SMART CHOICE

Artificial Intelligence Update












On Our Way

Bizstruction – AI review, research, and collaboration (Instruction, Tech Services, and MIS)

District AI Committee Established



In Progress

Campus Pilots of AI Programs (CoPilot & MagicSchool.ai)

Guidelines for Pilot Use of AI Tools



Path Forward

AI Programs – Approved List

Professional Learning – AI for Staff

Updates to AUP/RUP & Handbooks (AI committee contributions)

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Alief ISD Guidelines for Pilot Use of AI Tools

AI Pilot Site(s)	AI Pilot Access	Pilot Start Date
Hastings High School	CoGrader	1/15/2025

Pilot Purpose:
In this pilot, access to the AI tool referenced above will be granted to Hastings High School teachers/staff. Student access, beyond currently permitted tools, is not in the scope of this pilot. This pilot will focus on the ability of teachers and staff to use artificial intelligence tools to enhance lesson planning, develop curriculum, generate ideas, create efficiencies and support professional learning.

This pilot is an additive experience and not intended to replace valuable, aligned, curriculum and educational resources.

Responsible Use:
Artificial intelligence tools must be used responsibly and in alignment with educational objectives, ensuring that its usage contributes positively to the learning environment.

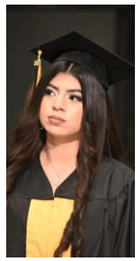
Monitor impacts and outcomes of your use of AI tools to ensure that they are enhancing and not limiting educational experiences for learners.

Carefully monitor AI-generated responses and information to ensure accuracy and appropriateness when used. AI tools are prone to hallucinations.

AI models are always learning, and information processed by AI engines becomes public and can be used outside of district control. Please, do not upload or share sensitive information, including, but not limited to:

- Student-identifiable information (any data that would identify an individual student, not limited exclusively to first name, last name, birthdate, ID number)
- Personal/identifiable information
- Confidential information
- Alief ISD proprietary information

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Preparing Future Ready Learners Today:

Technology Update

Thank you!

Questions?



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Technology Update[928]

April 2025 Board Meeting

Brian Gonzalez - Director of Digital Learning

Instruction Department

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